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Appropriations for FY2004: Commerce, Justice, State, the Judiciary, and Related Agencies

February 13, 2004

Congressional Research Service
https://crsreports.congress.gov
RL31809

CRS REPORT
Prepared for Members and
Committees of Congress

Summary

Congress packaged a number of appropriations bills, including CJS, into an omnibus bill (H.R. 2673). A conference report (H.Rept. 108-401) emerged just prior to the Thanksgiving recess. The CJS portion of the bill (Division B) contains a total of $41.0 billion, not reflecting the .465% rescission in the general provisions of Division B. Within Division H–Miscellaneous Appropriations and Offsets–Section 168 includes a .59% across-the-board rescission. The House agreed to the conference report on December 8th, while the Senate passed the package on January 22, 2004. The President signed The Consolidated Appropriations Act into law (P.L. 108-199) on January 23, 2004.

Earlier, the Administration had submitted its FY2004 budget request in February 2003. The request for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies (commonly referred to as CJS) totaled $41.220 billion. The major components of the request included: Justice Department—$19.005 billion; Commerce Department—$5.814 billion; the Judiciary—$5.430 billion; State Department—$8.644 billion; and Related Agencies—$2.424 billion. On July 23, 2003, the House passed its CJS bill (H.R. 2799), which totals $41.23 billion. The Senate Appropriations Committee recommended $40.37 billion.

Department of Justice. The FY2004 enacted level of $19.942 billion is roughly $937 million above the FY2004 Administration request of $19.005 billion and $294 million above the FY2003 funding level of $19.648 billion.

Department of Commerce. The FY2004 request of $5.814 billion is about $18 million more than the FY2003 appropriation of $5.796. The House bill provided $5.256 billion; the Senate Appropriations Committee recommended $6.369 billion. The Consolidated Appropriations Act provides $6.007 billion.

The Judiciary. The Consolidated Appropriations Act provides total budget authority for the Judiciary of $5.17 billion, 5.0% over FY2003 funding, compared with $5.43 billion requested by the Judiciary (a 10.3% increase).

Department of State and International Broadcasting. The FY2004 enacted level totals $8.264 billion, which is $380 million less than the President's FY2004 request and $86 million higher than the FY2003 funding level. In addition, the FY2004 emergency supplemental provided $564.9 million for the State Department and the Broadcasting Board of Governors.

This is the final update of the report.

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Most Recent Developments

In November 2003, Congress packaged the remaining appropriations bills into an omnibus bill (H.R. 2673). A conference report for the bill (H.Rept. 108-401) emerged just before the Thanksgiving recess. The House agreed to the conference report on December 8, 2003. The Senate passed the conference report on January 22, 2004. The President signed The Consolidated Appropriations Act (P.L. 108-199) on January 23, 2004.

In February 2003, the Bush Administration had submitted its budget for fiscal year 2004. During the months of March and April, the CJS appropriations subcommittees in the House and Senate held a series of hearings on the request. On July 9, 2003, the House Appropriations Subcommittee on CJS reported its funding to the full committee. The House Appropriations Committee reported the CJS appropriations bill (H.R. 2799; H.Rept. 108-221) on July 16, 2003. The full House passed H.R. 2799 on July 23, 2003. The Senate Appropriations Committee introduced and reported its CJS bill (S. 1585; S.Rept. 108-144) on September 5, 2003.

The Administration request for CJS totaled roughly $41.22 billion. This included $19.005 billion for Justice, $5.814 billion for Commerce, $5.43 billion for the Judiciary, $8.644 billion for State, and $2.424 billion for the Independent Agencies. The House bill, H.R. 2799 contained roughly $41.23 billion, including $20.154 billion for Justice, $5.256 billion for Commerce, $5.194 billion for the Judiciary, $7.857 billion for State, and $2.237 for the Independent Agencies. The Senate bill provided approximately $40.37 billion, including $18.581 billion for Justice, $6.369 billion for Commerce, $5.077 billion for Judiciary, $7.473 billion for State, and $2.378 billion for Independent Agencies.

The Consolidated Appropriations Act provides a total of $41 billion including $19.942 billion for the Justice Department, $6.007 billion for the Department of Commerce, $5.167 billion for the Judiciary, and $8.264 billion for the Department of State. (These figures do not reflect the .465% nor the .59% rescissions included in the legislation.)

Table 1. Legislative Status of CJS Appropriations, FY2004

Subcommittee Markup		House Report	House Passage	Senate Report	Senate Passage	Conf. Report	Conf. Report Approval		Public Law
House	Senate						House	Senate	
7/9/03	9/3/03	7/16/03 H.Rept. 108-221	7/23/03 (400-21)	9/4/03 S.Rept. 108-144	—	11/25/03 H. Rept 108-401	12/8/03 (242-176)	1/22/04 (65-28)	1/23/04 P.L. 108-199

Background Information

Structure of the CJS Bill

Traditionally, the appropriations bill for the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies is known as the "CJS" bill. It typically uses five titles to fund these departments and agencies:

Title I. Justice

Title II. Commerce and Related Agencies

Title III. The Judiciary

Title IV. State and International Broadcasting

Title V. Independent Agencies

As needed, additional titles including general provisions or rescissions may be added to the CJS bill during the legislative process. The related agencies in Title II are the U.S. Trade Representative and the International Trade Commission. The Independent Agencies in Title V include the Federal Communications Commission, Securities and Exchange Commission, and Small Business Administration.

Synopsis of FY2003 Appropriations

The Administration's CJS request for FY2003 totaled $44.019 billion. The 107th Congress did not complete CJS FY2003 appropriations but passed numerous continuing resolutions authorizing short-term funding into the 108th congressional term.

During the 108th Congress, the Senate passed an omnibus FY2003 spending package which included the CJS appropriations. The total CJS Senate level amounted to $44.940 billion. The House bill (H.R. 247) set total CJS appropriations at $44.353 million. Neither House nor Senate numbers include rescissions. The 108th Congress passed the consolidated FY2003 appropriation package on February 20, 2003 (P.L. 108-7), which included 11 out of the 13 appropriations bills. In April 2003, Congress passed an emergency supplemental appropriations bill (P.L. 108-11) providing further funding to selected entities within CJS. The total FY2003 appropriation for CJS (adjusted to reflect rescissions) came to roughly $40.498 billion.

Departmental Funding Trends

The table below shows funding trends for the major agencies included in CJS appropriations over the six-year period FY1998-FY2003, excluding supplemental appropriations. Over the six-year period, current-dollar funding increased for the Department of Justice by $1.241 billion (7.0%); for the Department of Commerce by $1.453 billion (34%); for the Judiciary by $1.458 million (42%); and for the Department of State by $3.608 billion (89%).

The Justice Department's budget rose steadily until FY2003, when it was decreased by $4.7 billion below the FY2002 amount due to the relocation of some activities to the Department of Homeland Security. The Commerce Department budget has generally increased over the five-year span, including a greater than $3.5 billion increase in FY2000, largely due to the cost of the 2000 decennial census. Its FY2001 level, however, was comparable to its pre-census level. The State Department and Judiciary Branch had significant increases in funding levels every year from FY1998 to FY2003. The State Department's increases reflect the increase in costs associated with the FY1999 reorganization and post September 11th security expenditures. Of the four primary departments within the CJS appropriations bill, the Department of State has received the greatest nominal increase of about $3.608 billion from FY1998 to FY2003, not including supplemental funds appropriated for FY2002, FY2003, and FY2004.

Table 2. Funding for Departments of Commerce, Justice, and State, and the Judiciary

(in billions of current dollars)

Department or Agency	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003
Justice	17.764	18.207	18.647	21.049	23.707	19.005
Commerce	4.251	5.098	8.649	5.153	5.739	5.704
Judiciary	3.464	3.652	3.959	4.255	4.740	4.922
State	4.037	4.359	5.880	6.601	7.362	7.645

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

CJS Overall Funding Trends

Appropriations for the CJS bill have risen steadily prior to FY2003. Selected departments funded through the bill received significant increases in funding following the terrorist attacks of September 2001. Overall funding for the bill decreased in FY2003, however, as some agencies and functions were transferred to the new Department of Homeland Security.

Table 3. Funding CJS Appropriations

(discretionary budget authority in billions of current and constant FY2004 dollars)

	FY1997	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004
Nominal $	30,182.0	32,086.0	33,693.3	39,601.0	39,786.7	44,058.4	40,497.8	41,041.9

Note: Nominal $ represent the actual amount of the appropriation in the year it was appropriated.

Survey of High-Profile Issues

Following are issues that were key issues, or were expected to be key issues, debated within the context of congressional consideration of the FY2004 CJS appropriations:

Department of Justice

- The adequacy of the Administration's request for an additional $699 million to bolster the Department of Justice's counterterrorism and counterintelligence missions.
- The proposed "performance-based" realignment of assistance grants administered by the Office of Justice Programs, including the elimination of some current programs that are providing over $1 billion in FY2003 funding for state and local law enforcement assistance programs.

Department of Commerce and Related Agencies

- Appropriations measures that limit the use by the U.S. Patent and Trademark Office of the full amount of fees collected in the current fiscal year.
- The extent to which federal funds should be used to support industrial technology development programs at the National Institute of Standards and

Technology, particularly the Advanced Technology Program and the Manufacturing Extension Partnership.

- Whether to reinstate an earlier FCC decision regarding the broadcast-ownership cap for national audience as part of the appropriations process. In conference the cap was increased from 35% to 39%. Originally, both the House and Senate bills included amendments that would have restored the 35% broadcast ownership cap, which had been increased to 45% by the FCC in June 2003. The 39% figure was a compromise with the White House, which promised to veto the omnibus bill if the limit was not raised.

The Judiciary

- Whether to provide a funding increase that would assure that the Judiciary could meet its mandatory expenses and operate at FY2003 staffing levels.
- Whether to increase the hourly rate of pay to court-appointed "panel attorneys" representing indigent defendants in federal criminal cases.
- Whether, as the Judicial Branch contended, federal judges and justices should receive a cost-of-living salary increase.

Department of State and International Broadcasting

- Visa issuance policies and the Homeland Security proposals.
- Expanded public diplomacy activities focusing on Muslim/Arab populations.
- Increased hiring of foreign, civil service, and security experts.
- Improved information/communication technology.

Department of Justice

Background

Title I of the CJS bill typically covers appropriations for the Department of Justice (DOJ). Established by an Act of 1870 (28 U.S.C. 501) with the Attorney General at its head, DOJ provides counsel for citizens and protects them through law enforcement. It represents the federal government in all proceedings, civil and criminal, before the Supreme Court. And in legal matters generally, the Department provides legal advice and opinions, upon request, to the President and executive branch department heads. The major functions of DOJ agencies and offices are described below:

- *United States Attorneys* prosecute criminal offenses against the United States, represent the federal government in civil actions, and initiate proceedings for the collection of fines, penalties, and forfeitures owed to the United States.
- *United States Marshals Service* provides security for the federal judiciary, protects witnesses, executes warrants and court orders, manages seized assets, detains and transports unsentenced prisoners, and apprehends fugitives.
- *Federal Bureau of Investigation (FBI)* investigates violations of federal criminal law; helps protect the United States from terrorism and hostile intelligence efforts; provides assistance to other federal, state and local law enforcement agencies; and shares jurisdiction with Drug Enforcement Administration (DEA) over federal drug violations.

- *Drug Enforcement Administration (DEA)* investigates federal drug law violations; coordinates its efforts with state, local, and other federal law enforcement agencies; develops and maintains drug intelligence systems; regulates legitimate controlled substances activities; and conducts joint intelligence-gathering activities with foreign governments.
- *Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)* enforces federal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. It was transferred from the Department of the Treasury to the Department of Justice by the Homeland Security Act of 2002 (P.L. 107-296).
- *Federal Prison System* provides for the custody and care of the federal prison population, the maintenance of prison-related facilities, and the boarding of sentenced federal prisoners incarcerated in state and local institutions.
- *Office of Justice Programs (OJP)* manages and coordinates the activities of the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, Community Oriented Policing Services (COPS), and the Office of Victims of Crime.

Defending the nation against future terrorist attacks is currently the principal focus of the Department of Justice. To this end, the Department is continuing its efforts to disrupt and dismantle terrorist networks wherever they exist, prevent terrorist attacks before they occur, and bring to justice those persons who carry out terrorist attacks against American interests at home and abroad. The Department of Justice is working closely with the newly established Department of Homeland Security (DHS) to facilitate the transfer of the Immigration and Naturalization Service enforcement and service programs and the Justice Department's Office of Domestic Preparedness to that new department. Justice is also working with the intelligence community, along with DHS, to establish new partnerships and reforge old ones in the areas of intelligence sharing and interoperable systems. With the support of the Attorney General, the Federal Bureau of Investigation Director continues to reorganize by realigning and centralizing FBI assets to more effectively counter terrorism and foreign intelligence services, and provide greater internal security.

Most crime control, meanwhile, has traditionally been viewed as a state and local responsibility. Beginning with the passage of the Crime Control Act of 1968 (P.L. 90-351), the federal role in the administration of criminal justice has increased incrementally. Since 1984, Congress has enacted five major omnibus crime control bills, designating new federal crimes, penalties, and additional law enforcement assistance programs for state and local governments. Crime control is one of the few areas of the federal budget where discretionary spending has increased over the past two decades.

GPRA

The Government Performance and Results Act (GPRA) required the Department of Justice, along with other federal agencies, to prepare a 5-year strategic plan, including a mission statement, long-range goals, and program assessment measures. In September 2000, the Department submitted its Strategic Plan for 2000-2005 to Congress. Building upon the strategic plan, the Department's FY2003 performance plan includes eight goals:

- protect the United States from the threat of terrorism;
- enforce federal criminal laws;

- prevent and reduce crime and violence by assisting state, tribal, local, and community-based programs;
- defend and protect the rights and interests of the American people by providing legal representation and enforcement of federal laws;
- administer immigration and naturalization laws fairly and effectively;
- protect American society by providing for the safe, secure, and humane confinement of persons in federal custody;
- protect the federal judiciary and support the federal justice system; and
- ensure professionalism, excellence, accountability, and integrity in the management and conduct of the Department of Justice.

Detailed performance plans for individual activities, agency, and program accounts were included in the departmental budget submission to Congress as well.

Administration FY2004 Request

For the Department of Justice (DOJ), the Administration's FY2004 request included $19 billion, or nearly $643 million less than the amount appropriated by Congress for FY2003. According to the Administration, the FY2004 request included $669 million and 2,170 positions for counterterrorism and counterintelligence, with the lion's share of this funding going to the FBI. The request also included an additional $177 million for a DNA initiative to reduce the backlog of both suspect and convicted offender DNA samples, and increase the capacities of state and local crime labs to process DNA evidence.

These and other smaller proposed increases would have been offset by crosscutting efficiencies, program reductions, offsets, and the elimination of several grant programs. The eliminated grant programs, with the corresponding FY2003 funding included in parentheses, included the Community Oriented Policing Services (COPS) hiring and overtime program ($200 million), the Juvenile Justice Accountability Block Grant ($190 million), and the State Criminal Alien Assistance Program ($248 million). Furthermore, as part of a wider "performance-based" program realignment of the Office of Justice Programs, the Administration's request included a proposal to eliminate the Local Law Enforcement Block Grants (LLBGs) and the Byrne Grants, replacing those grant programs with a Justice Assistance Grant (JAG) program. The Administration's request included $600 million for the proposed JAG program, $437 million less than the amounts appropriated for the LLBG and Byrne grant programs for FY2003.

The Consolidated Appropriations Act, 2004 (P.L. 108-199), by comparison, provides DOJ with $20 billion for FY2004. This amount includes $756 million for various COPS programs. The Consolidated Appropriations Act also funds a number of programs for which the Administration requested no funding. Those programs and corresponding funding in parentheses include the Juvenile Justice Accountability Block Grant ($60 million), the State Criminal Alien Assistance Program ($300 million), the Local Law Enforcement Block Grants ($225 million), and the Byrne Grants ($659 million). As the Consolidated Appropriations Act provides for these programs, funding was not included for the proposed Justice Assistance Grants.

FY2004 Funding Issues

General Administration

For General Administration, the Administration's FY2004 request for Justice programs included $1.378 billion, $112 million more than the amount appropriated by Congress for FY2003. Of the requested amount, $810 million would have gone to the Detention Trustee account to better manage departmental acquisition of contracted detention space. Besides the Detention Trustee, the General Administration account funds the Attorney General's office, senior departmental management, the Inspector General's office, efforts to integrate identification systems (e.g., IAFIS and IDENT), and narrowband communications, among other things. The Consolidated Appropriations Act, 2004 (P.L. 08-199) provides $1.331 billion for general administration, about $47 million less than the Administration's request. The Senate-reported bill would have provided $1.414 billion for general administration, while the House-passed bill included $1.322 billion.

For the *Federal Detention Trustee's Office*, the FY2004 request included $810 million, a nearly $42 million increase over the amount appropriated by Congress for FY2003. The Detention Trustee's Office was established in FY2001, with a $1 million appropriation, to manage contractual detention funding for the Department, which is, for the most part, for the Marshals Service, since the immigration detention and removal program has been transferred to DHS. The Consolidated Appropriations Act provides $814 million for the Detention Trustee's Office. The Senate-reported bill would have provided $850 million, the House-passed bill $810 million.

The *Office of the Inspector General (OIG)* is responsible for investigating possible departmental misconduct. In FY2001, the Attorney General ordered the OIG to investigate allegations of misconduct at the Federal Bureau of Investigation and the Drug Enforcement Administration. The Administration's FY2004 request included $62 million for the OIG, which represented a $10 million increase as compared to the FY2003 appropriation. The Consolidated Appropriations Act provides $61 million for the OIG, the same amount the Senate bill would have provided. The House-passed bill would have provided $56 million.

U.S. Parole Commission

The U.S. Parole Commission adjudicates parole requests by federal and District of Columbia Code prisoners who are serving felony sentences. For the commission, the FY2003 request was $11 million. The authorization for the parole commission was due to expire in November 2002, but the 21st Century Department of Justice Appropriations Authorization Act (P.L. 107-273) has authorized $10 and $11 million to be appropriated for the commission for FY2002 and FY2003, respectively. For FY2004, the Administration's request included $11.1 million for the parole commission, a $631 thousand increase over the Commission's FY2003 appropriation. The Consolidated Appropriations Act, 2004 (P.L. 108-199) provides $10.6 million. The Senate-reported bill would have provided $10.8 million, while the House-passed bill would have provided $10.6 million.

Legal Activities

The Legal Activities account includes several accounts: (1) general legal activities, (2) U.S. Attorneys, (3) U.S. Marshals Service, (4) prisoner detention, and (5) other legal activities. For FY2004, the Administration's request included nearly $3.2 billion for legal activities, an increase of $172 million over the FY2003 enacted budget for these purposes. The Consolidated Appropriations Act, 2004 (P.L. 108-199) provides $3.094 billion in funding for FY2004, a $82

million increase over the amount appropriated for FY2003. The Senate-reported bill would have provided nearly $2.993 billion, the House-passed bill $3.034 billion.

The *general legal activities* account funds the Solicitor General's supervision of the department's conduct in proceedings before the Supreme Court. It also funds several departmental divisions (tax, criminal, civil, environment and natural resources, legal counsel, civil rights, and antitrust). The Administration's FY2004 request included $665 million, an increase of nearly $58 million over the FY2003 enacted budget for these purposes. The Consolidated Appropriations Act provides nearly $621 million, the same amount as the House-passed bill. The Senate-reported bill would have provided $633 million for these purposes. The Consolidated Appropriation Act, both bills and the Administrations request provide nearly $2 million for the Radiation Exposure Compensation Act (RECA) program under this account.

The *U.S. Attorneys* and the *U.S. Marshals Service* are present in all of the 94 federal judicial districts. The U.S. Attorneys prosecute criminal cases and represent the federal government in civil actions. For the U.S. Attorneys Office, the Administration's FY2004 request included $1.557 billion, including an increase of nearly $63 million over the enacted FY2003 budget for this office. The Administration's request assumed $16 million in savings due to crosscutting efficiencies and program reductions, and included $18 million in budget increases for additional activities in FY2004. The Consolidated Appropriations Act provides $1.526 billion in funding for FY2004, $31 million less than the Administration's request. The Senate bill would have provided $1.508 billion, nearly $49 million less than the request. The House-passed bill would have also provided $1.526 billion for U.S. Attorneys.

The U.S. Marshals are responsible for the protection of the Federal Judiciary, protection of witnesses, execution of warrants and court orders, custody and transportation of unsentenced federal prisoners, and fugitive apprehension. The FY2004 request included $721 million for the Marshals Service, an increase of nearly $22 million over the service's FY2003 enacted budget. For FY2004, the Consolidated Appropriations Act provides $734 million, an increase of more than $13 million from the Administration's request. The Senate-reported bill would have provided $628 million, nearly $93 million less than the request and $71 million less than the FY2003 enacted budget. The House-passed bill would have provided funding for $679 million, $42 million less than the Administration's request and $20 million less than the service's FY2003 enacted budget. The House-passed bill, however, would have provided $41 million under the Community Oriented Policing Services account for U.S. Marshals-related activities.

For *other legal activities*. e.g., the Community Relations Service, the Independent Counsel, the U.S. Trustee Fund (The U.S. Trustee's office is responsible for maintaining the integrity of the U.S. bankruptcy system by, among other things, prosecuting criminal bankruptcy violations.), and the Asset Forfeiture program, the FY2004 request included $257 million, which included about $29 million more than the amount appropriated for these purposes for FY2003. The request assumed $11 million in base reductions and $14 million in savings due to crosscutting efficiencies that offset an increase of $26 million for additional protection for the Judiciary. The request also anticipated that $2 million would be available from Justice's Working Capital Fund for courthouse security equipment. The Consolidated Appropriations Act provides funding for $214 million, more than $43 million less than the Administration's request. A large portion of the difference can be explained by a $33 million request for office automation that the Consolidated Appropriations Act does not recommend. The Senate bill would have provided $290 million, $33 million more than the request. Unlike the Consolidated Appropriations Act, the Senate bill would have provided $66 million for office automation. The House-passed bill would have provided $209 million in funding for other legal activities.

Interagency Law Enforcement

The Interagency Law Enforcement account reimburses departmental agencies for their participation in the *Organized Crime Drug Enforcement Task Force (OCDETF)* program. Organized into nine regional task forces, this program combines the expertise of federal agencies with the efforts of state and local law enforcement to disrupt and dismantle major narcotics trafficking and money laundering organizations. The federal agencies that participate in OCDETF are the Drug Enforcement Administration; Federal Bureau of Investigation; Internal Revenue Service; Bureau of Alcohol, Tobacco, Firearms and Explosives; U.S. Coast Guard; U.S. Marshals Service; the Justice, Tax and Criminal Divisions; and the U.S. Attorneys. In addition, it is likely that the Department of Homeland Security's Bureau of Customs and Border Protection and Bureau of Immigration and Customs Enforcement will also participate in OCDETF, as these Bureaus are composed of former elements of the U.S. Customs Service and the Immigration and Naturalization Service.

For FY2004, the Consolidated Appropriations Act, 2004 (P.L. 108-199) provides nearly $557 million for interagency drug enforcement, the same amount as previously passed by the House. The Senate-reported bill would have provided $967 million for interagency law enforcement, including $415 million to target major narcotics trafficking and money laundering operations, and $552 million to support joint federal, state, local and foreign law enforcement operations. The FY2004 request included $542 million for OCDETF, or $172 million over the amount appropriated for FY2003. For new activities in FY2004, the request included $22 million for automated technology, $26 million to target 53 major drug trafficking organizations, and $10 million to expand money laundering investigations.

Federal Bureau of Investigation

The Federal Bureau of Investigation (FBI), as the lead federal investigative agency, continues to reorganize to focus more sharply on counterterrorism. For FY2004, the Consolidated Appropriations Act, 2004 (P.L. 108-199) provides FBI with $4.64 billion, the same amount as passed by the House and requested by the Administration. By comparison, the Senate-reported bill would have provided the FBI with $4 billion. Unlike the request, the Appropriations Act breaks out amounts for the Foreign Terrorist Tracking Task Force ($62 million), construction ($11.2 million), and counterintelligence/national security ($490 million).

The FY2004 request ($4.64 billion) assumed $26 million in savings due to crosscutting efficiencies. For new activities in FY2004, the request included $539 million, which included the following budget increases: $267 million for counterterrorism, $70 million for counterintelligence, $64 million for cybercrime, $37 million for background checks and other security enhancements, $82 million for Trilogy and other information technology improvements, $16 million for other corporate fraud investigations, and $3 million for the forensic DNA program.

NOTE: The Homeland Security Act of 2002 (P.L. 107-296) transferred the National Infrastructure Protection Center (NIPC), the National Domestic Preparedness Office (NDPO), and the Domestic Emergency Support Teams (DEST) from the FBI to the DHS. NIPC was formed to detect, deter, assess, and warn computer users as to cyber threats and to investigate and prosecute unlawful computer intrusions. For a time, NDPO served as a single point of contact for state and local authorities seeking interagency assistance in the areas of planning, training, equipment, and exercises to prepare for domestic terrorist incidents, but NDPO activities were largely absorbed by the OJP's Office of Domestic Preparedness. DEST was an interagency team of experts that could be quickly assembled by the FBI to provide an on-scene commander (Special Agent in

Charge) with advice and guidance in situations involving weapons of mass effect (WME). According to the DOJ FY2004 Budget Summary, NIPC's transfer to DHS's Information Analysis and Infrastructure Protection Directorate included about $51 million and 307 positions. The NDPO and DEST transfers to DHS's Emergency Preparedness and Response Directorate include neither dollars nor positions.

Drug Enforcement Agency

The Drug Enforcement Administration (DEA) is the lead federal agency tasked with reducing the illicit supply and abuse of dangerous narcotics and drugs. For FY2004, the Consolidated Appropriations Act, 2004 (P.L. 108-199) provides the DEA with $1.6 billion for salaries and expenses and an additional $557 million for interagency drug enforcement, or the same amounts as previously approved by the House. The Senate-reported bill, meanwhile, would have provided the DEA with $1.5 billion for salaries and expenses. Unlike the House bill, the Senate bill would have provided $967 million for interagency law enforcement. This amount included $415 million for interagency drug enforcement. The Administration FY2004 request included nearly $1.6 billion for the DEA. The FY2004 request assumed $63 million in savings due to crosscutting efficiencies, program reductions, and other offsets. For new activities, the request included $38 million for better targeting major drug trafficking organizations, $2 million for international training, and $3 million for financial audit improvements.

Bureau of Alcohol, Tobacco, Firearms and Explosives

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) enforces federal law related to the manufacture, importation, and distribution of alcohol, tobacco, firearms, and explosives. The Consolidated Appropriations Act for FY2004 (P.L. 108-199) provides ATF with $836 million. By comparison, the Senate-reported CJS bill would have provided ATF with $830 million, and the House-passed bill, $831 million. The FY2004 request included $852 million for ATF, an increase of nearly $51 million over the Bureau's FY2003 enacted budget. The FY2004 request assumed $5 million in savings due to program offsets; and, for new activities, it included $13 million for the Youth Crime Gun Interdiction Initiative and $10 million to implement the Safe Explosives Act (Title XI, Subtitle C, of the Homeland Security Act of 2002 (P.L. 107-296; 116 STAT. 2280)).

In addition, the ATF salaries and expenses language was amended in House full committee markup to include several limitations on the expenditure of ATF funding provided for FY2004. This language would have limited the ATF's authority to acquire certain firearm transfer records from licensed dealers pursuant to 18 U.S.C. § 923(g)(5), unless such a request was part of a criminal investigation. In the Consolidated Appropriations Act, this language was modified to limit the ATF's authority generally to disclose certain information contained in firearm transfer records and would prevent ATF from requiring licensed dealers to conduct physical inventories of their businesses. As included in the House-passed bill, another provision in the conference agreement would require the "next-day" destruction of approved firearm transfer records.

Federal Prison System

The Federal Prison System maintains 106 penal institutions nationwide, and contracts with state, local, and private concerns for additional detention space. The Administration projected that this system would house an average daily population of 143,197 sentenced offenders in federal institutions, and another 28,043 in contract facilities, in FY2003. For FY2004, the Consolidated Appropriations Act, 2004 (P.L. 108-199) provides $4.862 billion for the Federal Prison System, an increase of nearly $418 million over the FY2003 enacted budget. The Senate-reported bill

would have provided $4.222 billion in funding, while the House-passed bill would have provided $4.668 billion. The Administration requested $4.493 billion for the Federal Prison System, an increase of nearly $48 million over the FY2003 enacted budget and $369 million less than the Consolidated Appropriations Act.

The Consolidated Appropriations Act provides $398 million for the construction, modernization, and repair of prison facilities in FY2004. The Senate-reported bill would have provided $346 million, and the House-passed bill $203 million, for these purposes. For new activities in FY2004, the Administration's request included $252 million to activate new facilities, $23 million for a counterterrorism project, $13 million for contract confinement, and $427 thousand for a transitional drug treatment program. The Administration intended to offset these budget increases with savings from $17 million in crosscutting efficiencies, $28 million in no longer needed criminal alien detention, and $188 million rescinded from new construction funding. The Consolidated Appropriations Act does not include this requested rescission.

Office of Justice Programs

The Office of Justice Programs (OJP) manages and coordinates the National Institute of Justice, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, Office of Victims of Crimes, Bureau of Justice Assistance, and related grant programs. For the Office of Justice Programs and related offices, bureaus and programs, the Consolidated Appropriations Act, 2004 (P.L. 108-199) provides $3.095 billion. The Senate-reported bill would have provided $2.631 billion, the House-passed bill would have provided $3.491 billion, as compared to the Administration's revised FY2004 request of $2.331 billion. For FY2003, Congress appropriated $3.594 billion for OJP programs.

Several factors account for the difference in funding for FY2003, compared to the FY2004 Appropriations Act, the Senate and House bills, and the Administration's request. First, the Office of Domestic Preparedness was transferred from DOJ to DHS ($1 billion in FY2003 funding). Second, the Administration's FY2004 request included no funding for the State Criminal Alien Assistance Program (SCAAP), for which Congress appropriated $248 million for FY2003. For FY2004, the Consolidated Appropriations Act provides $300 million for this program. The Senate bill would have provided $250 million and the House bill, $400 million, for SCAAP. Third, the FY2004 request included no funding for COPS hiring and overtime ($200 million in FY2003 funding). The Consolidated Appropriations Act provides $120 million, while the Senate-reported bill would have provided $200 million, and the House-passed bill would have provided no funding for hiring and overtime. Fourth, the FY2004 request included a proposal to consolidate the Local Law Enforcement and Byrne grants, replacing them with a Justice Assistance Grant program, and reducing funding by about $437 million, compared to amounts appropriated for FY2003. The Consolidated Appropriations Act, the House, and the Senate bills do not reflect this proposal.

The OJP budget has traditionally included the following accounts: (1) Justice Assistance, (2) State and Local Law Enforcement Assistance, (3) Weed and Seed crime prevention efforts, (4) Community Oriented Policing Services, (5) Juvenile Justice programs, and (6) Public Safety Officers Benefits. The Consolidated Appropriations Act breaks out Violence Against Women Act (VAWA) grant programs as an account separate from the State and Local Law Enforcement Assistance, however, the Senate-reported bill did not reflect this proposal.

For FY2004, the Consolidated Appropriations Act provides $190 million for Justice Assistance, $1.298 billion for State and Local Law Enforcement Assistance, $59 million for Weed and Seed, $756 million for Community Oriented Policing Services, $388 million for VAWA programs, $353

million for Juvenile Justice Assistance, and $52 million for Public Safety Officer Benefits. The Senate bill would have provided $166 million for Justice Assistance, $1.461 billion for State and Local Law Enforcement Assistance (including $406 million for VAWA), $59 million for Weed and Seed, $657 million for Community Oriented Policing Services, $232 million for Juvenile Justice Assistance, and $57 million for Public Safety Officer Benefits. The House-passed bill would have provided $209 million for Justice Assistance, $1.641 billion for State and Local Law Enforcement Assistance (not including a proposed $24.1 million rescission), $52 million for Weed and Seed, $683 million for Community Oriented Policing Services (COPS) (not including a proposed $6.4 million rescission), $462 million for Juvenile Justice Assistance, $388 million for VAWA programs, and $57 million for Public Safety Officer Benefits.

Justice Assistance

The Justice Assistance account funds the operations of OJP bureaus and offices. Besides funding OJP management and administration, this account also funds the National Institute of Justice, the Bureau of Justice Statistics, cooperative efforts that address missing children, and regional criminal intelligence. Congress appropriated nearly $200 million for this account for FY2003. For FY2004, the Administration's request was $2.125 billion for this account, reflecting a proposed "performance-based" realignment of the bulk of OJP grant programs in the Justice Assistance account under the following program categories:

- Counterterrorism Research and Development,
- Improving the Criminal Justice System,
- Research, Development, Evaluation and Statistics,
- Technology for Crime Identification,
- Strengthening the Juvenile Justice System,
- Substance Abuse: Demand Reduction, and
- Services for Victims of Crime.

Under the Administration's proposal, COPS would be maintained as an account separate from Justice Assistance, but only 7 programs would continue to be funded in the COPS account. Other COPS programs would be replaced or eliminated, while at least seven other OJP administered COPS programs would be funded under the Justice Assistance account. The Consolidated Appropriations Act, the Senate-reported bill and the House-passed bill do not reflect the Administration's proposed budget realignment of OJP programs, however.

State and Local Law Enforcement Assistance

Under *State and Local Law Enforcement Assistance*, the Consolidated Appropriations Act provides $1.298 billion in funding. The Senate-reported bill would have provided $1.461 billion, and the House-passed bill would have provided $1.641 billion. For various programs included in this account, the Administration's FY2004 request included about $748 million. For FY2003, Congress appropriated $2.031 billion. Two factors account for the lesser amount requested by the Administration for FY2004. First, the Administration requested no funding for the State Criminal Alien Assistance Program—a program for which Congress appropriated $250 million for FY2003. Second, the Administration proposed consolidating the Byrne and Local Law Enforcement Assistance grant programs in a new Justice Assistance Grant program, and requested $437 million less in funding for FY2004 than previously appropriated for these programs for FY2003. For FY2004, the Consolidated Appropriations Act provides $300 million for SCAAP. The Senate-reported bill would have provided $250 million, while the House-passed bill would

have provided $400 million for this program. For Local Law Enforcement Block Grants, the Consolidated Appropriations Act provides $225 million. The Senate bill would have provided $150 million and the House bill, $400 million. For Byrne grants, the Consolidated Appropriations Act provides $659 million in funding. The Senate bill would have provided $589 million, the House bill, $615 million. For Violence Against Women Act (VAWA) grants, the Consolidated Appropriations Act provides $388 million. The Senate-reported bill would have provided $406 million, the House-passed bill, $389 million. Under the Consolidated Appropriations Act and the House-passed bill, VAWA funding is provided in a separate account, and therefore is not included in the $1.298 billion cited above.

Weed and Seed

The *Weed and Seed program* is designed to "weed out" crime in selected neighborhoods, and "seed" them with coordinated prevention and human service programs. For FY2004, the Consolidated Appropriations Act provides nearly $59 million, the same as the Senate-reported bill. The House-passed bill would have provided nearly $52 million. While Congress appropriated nearly $59 million for this program for FY2003, the Administration requested no funding for the Weed and Seed program for FY2004.

Community Oriented Policing Services

To enhance public safety, the *Community Oriented Policing Services (COPS) program* provides grants to state, local, and tribal governments to expand community policing and cooperation between law enforcement agencies and members of the community. The authority for the COPS grant program lapsed at the end of FY2000. Congress, however, has continued to fund this program. For COPS, the Consolidated Appropriations Act provides $756.3 million in funding, including $120 million for hiring. The Senate-reported bill would have provided nearly $657 million for FY2004, including $200 million for COPS hiring and overtime, as part of a school safety officer initiative. The House-passed bill would have provide $683 million for COPS. Unlike the Consolidated Appropriations Act and Senate bill, the House bill included no funding for COPS hiring and overtime, nor did the Administration's request include funding for this program. The Administration asserts that the program has served its purpose by assisting state and local law enforcement agencies in hiring or redeploying 117,000 police officers from FY1994 through FY2002 at an expense of $7 billion. The Consolidated Appropriations Act provides $30 million for the National Criminal History Improvement Program (NCHIP), The House-passed bill would have provided $57 million, the same amount requested by the Administration. The Senate bill included no funding for this program. The Consolidated Appropriations Act provides $110 million for the DNA/Crime Lab Improvement program, of which $10 million would be for the Paul Coverdell Forensic Science grant program. The Senate-reported bill would have provided $19 million to the DNA initiative and $15 million for the grant program. The House-passed bill would have provided $174 million for the DNA/Crime Lab Improvement program and $15 million for the forensic grant program.

Juvenile Justice Assistance

Under the *Juvenile Justice Assistance programs*, OJP provides assistance to improve juvenile justice and corrections. Congress reauthorized these programs in the 21st Century Department of Justice Appropriations Reauthorization Act (P.L. 107-273), including the making of appropriations in "such sums as may be appropriate" for these programs for fiscal years 2003 through 2007. The Consolidated Appropriations Act provides nearly $353 million for Juvenile Justice Assistance programs. The Senate-reported bill would have provided $232 million for these

programs, the House-passed bill, $462 million. The Administration's revised request was $214 million—previously it was $235 million—for FY2004. For FY2003, Congress appropriated $264 million for these programs, and $190 million for the Juvenile Accountability Block Grant (JAIBG), under State and Local Law Enforcement Assistance. The Consolidated Appropriations Act provides $60 million for JAIBG. The Administration, however, requested no funding for FY2004, nor would the Senate bill have provided any funding for this program. The House-passed bill, conversely, would have provided $100 million for JAIBG.

Public Safety Officers Benefit Program

The *Public Safety Officers Benefit (PSOB)* program provides death benefits to survivors of public safety officers who die in the line of duty, and disability benefits to those officers injured and disabled in the line of duty. While the Administration's FY2004 request included $49 million for this program, the Consolidated Appropriations Act provides $52 million, while the House-passed and Senate-reported bills would have provided nearly $57 million.

Table 4. Department of Justice Funding Accounts ($$millions in budget authority)[a]

Accounts	FY2003 enacted	FY2004 request	House passed	Senate reported	FY2004 enacted
General Administration	$1,281.4	$1,377.5	$1,321.5	$1,413.6	$1,330.6
U.S. Parole Commission	10.4	11.1	10.6	10.7	10.6
Legal Activities	3,012.4	3,199.9	3,034.3	2,992.5	3,094.4
General legal activities	*607.4b*	*665.3b*	*620.5b*	*632.6b*	*620.5b*
United States Attorneys	*1,494.0*	*1,556.8*	*1,526.3*	*1,507.9*	*1,526.3*
United States Marshals Service	*699.1*	*720.8*	*678.7*	*628.2*	*733.8*
Other	*211.9*	*257.0*	*208.8*	*223.7*	*213.8*
Federal Bureau of Investigation	4,583.2	4,639.6	4,639.6	3,930.8	4,639.6
Salaries and expenses	*4,048.1*	*4,149.5*	*4,086.6*	*3,395.9*	*4,076.7*
Counterintelligence and national security	*472.2*	*490.1*	*490.1*	*490.1*	*490.1*
Construction	*1.2*	—	*1.2*	*44.8*	*11.2*
Foreign terrorist tracking	*61.6*	—	*61.6*	*72.6c*	*61.6*
Drug Enforcement Administration	1,550.8	1,558.7	1,601.3	1,512.3	1,601.3
Interagency Law Enforcement	369.7	541.8	556.5	966.8[d]	556.5[e]
Bureau of Alcohol, Tobacco, Firearms and Explosives[f]	801.2	852.0	831.2	829.6	836.1
GREAT grants	*[12.9]*	*[13.0]*	—	—	—
Federal Prison System	4,444.8	4,492.7	4,667.5	4,222.0	4,862.4
Office of Justice Programs	3,593.7	2,331.2	3,491.2	2,630.6	3,095.0
Justice assistance	*200.0g*	*2,124.8h*	209.1	*165.5*	*190.1*
Rescission	—	[-11.6]	—	—	—
State and local law	*2,031.0*	—	*1,640.9*	*1,461.1*	*1,297.7*

Accounts	FY2003 enacted	FY2004 request	House passed	Senate reported	FY2004 enacted
enforcement assistance					
Weed and seed program fund	*58.5*	—	*51.8*	*58.5*	*58.5*
Community oriented policing services	*977.6*	*151.0i*	*683.0*	*656.6*	*756.3*
Juvenile justice programs	*273.5*	—	*462.3*	*232.3*	*352.7*
Violence Against Women Act	—	—	*387.6j*	—	*387.6*
Public safety officers benefits program	*53.0*	*49.1*	*56.6*	*56.6*	*52.1*
Additional funding	—	—	—	—	15.6k
Rescission	—	—	—	—	[-100.0]
Total: Department of Justice	**$19,647.6**	**$19,004.6**	**$20,153.8**	**$18,581.5**	**$19,942.1**

Sources: Amounts included in the FY2003 enacted and the FY2004 request and House-passed columns were taken from H.Rept. 108-221; for the Senate-reported column, from S.Rept. 108- 144 and H.Rept. 108-401; and for FY2004 enacted column, from H.Rept. 108-401.

a. Amounts may not total due to rounding.

b. Includes $2.0 million for the Radiation Exposure Compensation Act.

c. Senate report language underscores that funding provided for the Foreign Terrorist Tracking Task Force (FTTTF) would not be provided to the FBI under the Senate bill, rather the task force would be funded as a stand-alone account within the wider Department of Justice budget. Consequently, the amount that the Senate bill would provide the FBI, does not include the $72.6 million for the FTTTF.

d. This amount includes $415 million for interagency crime and drug enforcement and $552 million for interagency law enforcement support.

e. In the tables accompanying the House report, the interagency law enforcement account funding for drug enforcement was placed under the DEA, as it was in the conference report.

f. The Homeland Security Act (P.L. 107-296) transferred most of the Bureau of Alcohol, Tobacco, Firearms and Explosives to the DOJ.

g. This amount does not include the $1 million appropriated for the Office of Domestic Preparedness in the FY2003 CJS appropriations act, as this office was transferred to the Department of Homeland Security.

h. The large increase in the FY2004 request, as compared to the FY2003 enacted budget, reflects the proposed performance-based realignment of the major Office for Justice Programs (OJP) grant programs in the Justice Assistance account. However, the House and Senate Committees' recommended maintaining the traditional account structures for OJP.

i. Includes a rescission of $6.4 million.

j. Violence Against Women Act (VAWA) programs have been funded under State and Local Law Enforcement Assistance. The House-passed bill, however, breaks out VAWA programs as a stand-alone account under the Office of Justice Programs.

k. This amount includes $15 million for the United States Attorneys for Operation Seahawk (an interagency seaport security initiative) and $550 thousand for the Local Law Enforcement Block Grant Program (for San Juan, Puerto Rico). for the Local Law Enforcement Block Grant Program (for San Juan, Puerto Rico).

Related Legislation

P.L. 108-21, H.R. 1104 / S. 151

Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Protect Act). S. 141 reported in the Senate on February 11, 2003 (S.Rept. 108-2). Passed Senate, amended, on February 24, 2003. H.R. 1104 reported by the House on March 24, 2003 (H.Rept. 108-47). Passed House, amended, on March 27. Conference report filed on April 9, 2003 (H.Rept. 108-66). Passed House and Senate on April 10, 2003. Signed into law April 30, 2003.

H.R. 703 (Saxton)

Law Enforcement Partnership to Combat Terrorism Act. This bill would amend the COPS program to authorize appropriations for hiring and training state and local law enforcement intelligence officers, and improving coordination of federal, state and local counterterrorism intelligence officers. Introduced and referred to Committee on the Judiciary on February 11, 2003. Referred to the Subcommittee on Crime, Terrorism and Homeland Security on March 6, 2003.

H.R. 834 (Ose)

Clean, Learn, Educate, Abolish, Neutralize, and Undermine Production (CLEAN-UP) of Methamphetamines Act. This bill would amend the COPS program to authorize the expanded use of COPS funds to increase enforcement and prosecution of methamphetamine offenses and provide for environmental cleanup of clandestine labs. Introduced and referred to multiple committees, including the Committee on the Judiciary, on February 13, 2003. Referred to the Subcommittee on Crime, Terrorism and Homeland Security on March 6, 2003.

H.R. 2260 (Ros-Lehtinen)

This bill would include Assistant United States Attorneys in the definition of law enforcement officer for the purposes of retirement. Introduced and referred to the Committee on Government Reform on May 22, 2003. Referred to Subcommittee on Civil Service and Agency Organization on June 2, 2003.

H.R. 2387 (Strickland)/ S. 1194 (Dewine)

To foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems. Introduced June 5, 2003. Referred to the Subcommittee on Crime, Terrorism, and Homeland Security on June 25, 2003. Introduced to the Senate Subcommittee on Crime, Terrorism, and Homeland Security on December 10, 2003.

H.R. 2943 (Hooley)

This bill would waive certain restrictions on the hiring of law enforcement officers under the COPS grant program, and for other purposes. Introduced on July 25, 2003. Referred to the Subcommittee on Crime, Terrorism, and Homeland Security on September 4, 2003.

S. 679 (Biden)

Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training in Our Neighborhoods Act of 2003 (Protection Act). Reauthorizes the making of appropriations for the Community Oriented Policing Services (COPS) programs for FY2004 through FY2009, among other things. Introduced and referred to the Committee on the Judiciary on March 20, 2003.

S. 798 (Hatch)

Sex Offender Apprehension Act of 2003. This bill would amend the COPS program to authorize the use of COPS funds to assist states in enforcing laws that require convicted sex offenders to

register their addresses with state or local law enforcement agencies. Introduced and referred to the Committee on the Judiciary on April 7, 2003.

Related CRS Products

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

CRS Issue Brief IB10095, *Crime Control: The Federal Response*, by JoAnne O'Bryant.

CRS Report RS20539, *Federal Crime Control Assistance to State and Local Governments*, by JoAnne O'Bryant.

CRS Report RS21400, *FY2003 Appropriations for First Responders: Fact Sheet*, by Ben Canada and Shawn Reese.

CRS Report RL32095, *The Federal Bureau of Investigation: Past, Present and Future*, by Todd Masse and William J. Krouse.

CRS Issue Brief IB10112, *Gun Control Legislation in the 108th Congress*, by William Krouse.

CRS Report RS20576, *Juvenile Justice: Legislative Activity and Funding Trends for Selected Programs*, by JoAnne O'Bryant, Edith Fairman Cooper, and David Teasley.

CRS Report RL30871, *Violence Against Women Act: History, Federal Funding, and Reauthorizing Legislation,* by Garrine Laney and Alison Siskin.

CRS Issue Brief IB10113, *War On Drugs: Legislation in the 108th Congress and Related Developments,* by Mark Eddy.

Commerce and Related Agencies

Title II typically includes the appropriations for the Department of Commerce and related agencies. The origins of the department date back to 1903 with the establishment of the Department of Commerce and Labor (32 Stat. 825). The separate Department of Commerce was established on March 4, 1913 (37 Stat. 7365; 15 U.S.C. 1501).

The department's responsibilities are numerous and quite varied, but its activities center on five basic missions: 1) promoting the development of American business and increasing foreign trade; 2) improving the nation's technological competitiveness; 3) encouraging economic development; 4) fostering environmental stewardship and assessment; and 5) compiling, analyzing and disseminating statistical information on the U.S. economy and population.

The following agencies within the Commerce Department carry out these missions:

- *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. Much of the analysis is conducted by the Bureau of Economic Analysis (BEA).

- *International Trade Administration (ITA)* seeks to develop the export potential of U.S. firms and to improve the trade performance of U.S. industry.
- *Bureau of Industry and Security* enforces U.S. export control laws consistent with national security, foreign policy, and short-supply objectives (formerly the Bureau of Export Administration).
- *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 (PTO)* examines and approves applications for patents for claimed inventions and registration of trademarks.
- *Technology Administration*, through the Office of Technology Policy, 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.

For FY2004 appropriations, the Administration requests roughly $5.814 billion for Title II, including the Commerce Department and related agencies. In FY2003, the enacted appropriation was roughly $5.796 billion.

FY2004 Funding Issues

International Trade Administration and Related Trade Agencies

The President's FY2004 request for the International Trade Administration (ITA) was $382.1 million, a $19.9 million increase over the FY2003 appropriation of $362.2 million and a $4.9 million increase over the FY2003 request of $377.2 million. The House passed $382.1 million, but it also proposed the reorganization of the agency. The President's request and the appropriation passed by the House both envision $13 million in fee collections, raising the total resources of the agency to $395.1 million. The Senate Appropriations Committee recommended $372.1 million, which reflects the Committee's anticipation of only $3 million in fee collection. The Senate Committee did not attempt to change the organizational structure of ITA. The Omnibus Appropriations Act (P.L. 108-199) enacted the House figure of $395.1 million, its expectation of $13 million in fee collection, and its reorganization plan. ITA provides export promotion services, works to assure compliance with trade agreements, administers trade remedies such as antidumping and countervailing duties, and provides analytical support for

ongoing trade negotiations. The agency is divided into four policy units and an Executive and Administrative Directorate, with a total full time staff of 2,550.

Trade Development Unit (TD)

The Administration requested $57.1 million for the Trade Development Unit. In FY2003, Congress appropriated $67.7 million, including several textile related initiatives not incorporated into the President's FY2003 request of $58.3 million. The House approved $46.7 million for this entity which it renamed the Manufacturing and Services Unit (MSU). The House envisioned the MSU carrying on certain functions of TD such as the provision of industry analysis, but it also intended that the new unit concentrate more resources on promoting the competitiveness and expansion of U.S. industry. The House transferred the trade promotion activities of TD- the Advocacy Center, the Trade Information Center, and Office of Export Assistance- to the new Trade Promotion Unit. Funds for the textile initiatives, the National Textile Center, and the Textile/Clothing Technology Corporation were not requested in the President's FY2004 budget, but the House funded these initiatives at 2003 levels.

The Senate Appropriations Committee recommended the appropriation of $69 million, which reflects the restoration of funds for certain initiatives: $10 million for the National Textile Institute, $3 million for the Textile/Clothing Technology Center, $1 million for the Kansas World Trade Center, and $500,000 for the International Trade Processing Center. P.L. 108-199 enacted the House figure, $46.7 million, and its reorganization proposal, however, it funded the abovementioned programs at Senate levels.

Market Access and Compliance Unit (MAC)

The Administration requested $37.4 million for the Market Access and Compliance Unit (MAC). In FY2003, Congress appropriated $31.2 million. The House appropriated $38.2 million and directed the establishment of an Office of Enforcement within the Unit. The Senate Appropriations Committee recommended $32.2 million. P.L. 108-199 enacted the House language and amount.

Import Administration Unit (IA)

The President's FY2004 budget requested $53.6 million for the Import Administration (IA) unit; Congress appropriated $44.2 million in FY2003. The House appropriated $68.2 million and directed the reorganization of the Unit into separate anti-dumping and countervailing duty case processing divisions, and a policy and negotiation division. The House version also provided $3 million for the establishment of an Office of China Compliance to focus on trade remedy issues pertinent to small and medium sized domestic industry.

The Senate Appropriations Committee recommended the appropriation of $46.6 million for IA. This recommendation included $4.5 million specifically to monitor import data and customs flows in key markets and sectors, and to expedite unfair trade cases when import surges are detected. P.L. 108-99 enacted the House amount ($68.2 million), its reorganization proposal, and its establishment of the Office of China Compliance.

Commercial Service

The Administration requested $204.5 million for this Unit, formerly known as the U.S. and Foreign Commercial Service, an increase of $2.5 million from the $202 million appropriated in FY2003. The House directed the reorganization of this entity, renaming it the Trade Promotion

Unit (TPU), and appropriated $217 million. The House proposed the transfer of the trade promotion functions of the current TD Unit (the Trade Information Center, the Advocacy Center, and the Office of Export Assistance) to the TPU. It directed the TPU to establish a Middle East Business Information Center and a China Business Information Center. The House also directed the agency to create American Trading Centers in China to promote the importation of U.S. goods and services into China.

The Senate Appropriations Committee recommends $202 million for the Commercial Service and notes its support for the Service's Appalachian-Turkish Trade Project.

P.L. 108-199 enacted the House language with regard to the renamed Trade Promotion Unit, and its funding level of $217 million.

Office of the U.S. Trade Representative (USTR)

USTR is the chief trade negotiator for the United States and is located in the Executive Office of the President (EOP). It is responsible for developing and coordinating U.S. international trade and direct investment policies. The Office had 209 FTEs in FY2003. The President's FY2004 request was $37 million, $2 million above the amount approved by Congress in FY2003. The House appropriated $42 million. Part of the increase in this request was meant to fund the negotiation of addition bilateral and regional free trade agreements. Since the FY2003 request, the President has begun or announced free trade negotiations with the 5 nations of the Central American Common Market, the Southern African Customs Union, Australia, Morocco, Panama, Colombia, Peru, the Dominican Republic, Bahrain and Thailand.

The House has expressed concern about the degree of responsiveness of USTR to complaints by U.S. small and medium sized business about the agency's enforcement of U.S. trade laws and agreements with China. The House provides $2 million in additional funding for 9 positions to monitor and enforce trade commitments made by China. The House also cautioned trade negotiators against using U.S. Treasury funds to resolve trade disputes, and it refused to capitalize a fund set up by the Trade Act of 2002 (P.L. 107-210) to settle monetary fines resulting from adverse decisions at the WTO.

The Senate Appropriations Committee recommends the adoption of the President's request of $37 million. The Committee also directs the USTR to begin negotiations at the WTO that would explicitly recognize the right of members to distribute monies collected from antidumping and countervailing duties, as is done by the Continued Dumping and Subsidy Offset Act of 2000 (P.L. 106-387, also known as the Byrd Amendment). In January 2003, provisions of the Byrd Amendment were declared to be inconsistent with WTO Agreements. In addition, Sec. 214 would prohibit the use of funds available under the Act to negotiate or to enter into trade agreements that contain provisions relating to the temporary entry of foreign workers into the United States. Such provisions were a controversial feature of the U.S. free trade agreements with Chile and Singapore.

P.L. 108-199 largely enacted the House language concerning USTR and its appropriation of $42 million. It enacted the Senate language regarding concerning the Byrd amendment, but it did not contain Senate language concerning temporary entry of foreign workers.

U.S. International Trade Commission (ITC)

ITC is an independent, quasi-judicial agency that advises the President and Congress on the impact of U.S. foreign economic policies on U.S. industries and is charged with administering various U.S. trade remedy laws. Its six commissioners are appointed by the President for 9-year

terms. As a matter of policy, its budget request is submitted to Congress by the President without revision. For FY2004, ITC requested $58.3 million, an approximately $4.3 million increase over the FY2003 appropriation ($54 million). The increase is intended to be used to fund a mandatory 3.1% pay increase, to fund several information technology projects to increase public access to trade information, to improve electronic transaction capability, and to develop more accurate trade information for affected constituents. The House appropriated $57 million. The Senate Appropriations Committee recommended adoption of ITC's request of $58.3 million. P.L. 108-199 likewise enacted $58.3 million.

Bureau of Industry and Security

The President's FY2004 request for the Bureau of Industry and Security (BIS) (formerly the Bureau of Export Administration) was $78.2 million. Congress appropriated $74.7 million in FY2003. In FY2003, the President requested $103.3 million, however, that request included funds for the Critical Infrastructure Assurance Office which was transferred to the Department of Homeland Security. The Omnibus Appropriations Act of 2004 (P.L. 108-199) enacted 68.2 million. The BIS administers export controls on dual-use goods and technology through its licensing and enforcement functions. It facilitates cooperation with other nations on export control policy, and provides assistance to the U.S. business community to comply with U.S. and multilateral export controls. It administers the anti-boycott statutes of the United States, and it is also charged with monitoring the U.S. defense industrial base. The agency had 459 full-time employees in FY2003.

The House appropriated $68.2 million (with an additional $1.9 million in unobligated balances from the previous year): $33.4 million for export administration and licensing activities, $30.4 million for enforcement and $7.2 million for enforcement activities related to the Chemical Weapons Convention. The Senate Appropriations Committee recommended $73 million: $33.2 for export administration, $33.4 million for export enforcement, and $6.5 million for administration and policy coordination. P.L. 108-199 enacted the House appropriation.

BIS sought to create a new Office of Technology Evaluation to enable the Bureau to identify sensitive new technologies for inclusion on the Commerce Control List (CCL), to conduct systematic reviews of items on the CCL including foreign availability and mass market determinations, and to review multilateral export control regimes and national control regimes of regime partners. This Office was proposed in response to criticism leveled by the GAO that BIS has failed to conduct regular foreign availability assessments and has failed to analyze the cumulative effects of certain technology transfers. (See GAO Report 02-620, *Export Controls: Rapid Advances in China's Semiconductor Industry Underscore Need for Fundamental U.S. Policy Review, May 8, 2002)* Neither the House nor the Senate provided funds for this initiative.

Economic Development Administration

For FY2004, the Administration had requested a total appropriation of $364.4 million. Of this amount, $331 million was for the agency's Economic Development Assistance Programs (EDAP), and $33.4 million for Salaries and Expenses (S&E). The House approved a total of $318.7 million for the Economic Development Administration, including $288.1 billion for EDAP and $30.6 million for S&E. The Senate Appropriations Committee recommended a total of $387.7 million for EDA, including $357.1 million for EDAP and $30.6 million for S&E. The conference agreement provides EDA with the total appropriation of $318.7 million approved by the House. More specifically with regard to programs, $202.3 million is for Public Works and Economic Development (the Senate version had recommend $272.1 million for Title I grants), $40.9 million is for Economic Adjustment Assistance, $24 million is for planning, $8.4 million is

for technical assistance (including university centers), $12 million is for trade adjustment assistance, and $500,000 is for research.

For FY2003, the Administration had requested a total appropriation of $349.9 million for EDA. More specifically, it requested $317.2 million for EDAP, representing a net $17.8 million decrease from FY2002. The Consolidated Appropriations Resolution for FY2003 (P.L. 108-7) provided EDA with a total appropriation of $320.8 million—$290 million for EDAP and $30.8 million for S&E.

The agency's authorization expired at the end of FY2003. Hearings on the Administration's proposal for reauthorizing EDA were held on June 4 by the House Subcommittee on Economic Development, Public Buildings and Emergency Management (for more information, see). On June 25, the House Transportation and Infrastructure Committee adopted a modified version of the Administration's five-year reauthorization bill. The Senate Environment and Public Works Committee did not take up the EDA reauthorization issue during the 1st session of the 108th Congress.

Under H.R. 2535, the local match rate for economic development district planning grants would be changed from the current rate of 50-50% to a minimum of 65-35% and maximum of 80-20%. As part of a compromise, the bill also incorporates the current 10 percent district bonus into a modified version of the Administration's new performance incentive program for public works and economic adjustment assistance grantees. The overall performance award program would focus on the grantees ability to complete the project as scheduled, exceed job creation goals and leverage private sector capital.

Minority Business Development Agency

For the Minority Business Development Agency (MBDA) in FY2004, Congress passed $28.9 million. The Bush Administration requested $29.49 million. The House bill would have provided $29 million and the Senate Appropriations Committee recommended $28.72 million, which equals the FY2003 funding level.

Economic and Statistical Analysis

The department's Economic and Statistical Analysis programs are conducted by the Bureau of Economic Analysis (BEA) and the Bureau of the Census. In FY2004, the President requested $84.76 million for these programs, which is $13.08 million (18.2%) above the FY2003 funding level. The Administration believes that the BEA's timely and accurate statistical reports are essential for providing reliable data to policymakers, industry, and consumers. The House bill provided $75 million, which is roughly $9.76 million below the Administration request, but $3.31 million above the FY203 amount. The Senate bill would have matched the Administration's request. The conference agreement provided $75 million. The BEA has received programmatic increases over the past three years to ensure that policymakers have access to more accurate and timely economic data.

Bureau of the Census

To fund the Bureau of the Census in FY2004, President Bush requested a total of $662 million: $220.9 million for salaries and expenses and $441.1 million for periodic programs, including the decennial census. The total request, which exceeded the FY2003 enacted amount by $111.1 million, asked an additional $39.1 million for salaries and expenses, and an extra $72 million for periodic programs.

The House Appropriations Committee, and the full House, approved the President's request. The committee directed the Bureau "to continue to streamline and prioritize programs to ensure the highest priority core activities are supported" in the areas of current economic and demographic statistics. Concerning the 2010 decennial census, the committee stated its support for the Administration's efforts to design and test a "simplified, streamlined short-form census," and expressed support for the American Community Survey (ACS), which will collect long-form census data on an on-going basis rather than once a decade. The House recommended $260.2 million for 2010 census planning, of which $112.1 million would be for a re-engineered short form census and $64.8 million would be for the ACS.

The Senate Appropriations Committee noted that the Bureau will have available about $12.2 million in recoveries of prior year obligations. The committee recommended a total of $550.9 million for the Bureau in FY2004, $111.1 million below the President's request and the House-approved amount. Of the $550.9 million, $215.5 million was recommended for the 2010 census. The committee directed the Bureau to provide it, by May 1, 2004, with a report on reimbursements received for work performed for other federal agencies and other organizations.

House and Senate conferees agreed to a total of $630.9 million for the Bureau, $31.1 million less than what the House approved and $80 million more than proposed by the Senate Appropriations Committee. The $255.2 million agreed to in conference for 2010 census planning was $5 million less than the House recommended and $39.7 million above the Senate committee's proposal.

National Telecommunications and Information Administration

The National Telecommunications and Information Administration (NTIA) is the executive branch's principal advisory office on domestic and international telecommunications and information technology issues and policies. It has as its mandate to provide greater access for all Americans to telecommunications services; to support for U.S. attempts to open foreign markets; to advise on international telecommunications negotiations; to fund research grants for new technologies and their applications; and to assist non-profit organizations converting to digital transmission in the 21st century.

The NTIA overall budget has three components: Salaries and Expenses, the Technology Opportunity Program (TOP), and the Public Telecommunications Facilities, Planning and Construction (PTFPC) program. Salaries and Expenses largely relate to administrative functions, maintaining domestic and international policy development, and spectrum management. The TOP is a competitive, merit-based matching grant program to develop information and telecommunications infrastructure. The PTFPC program assists public broadcast stations, state and local governments, Indian tribes, and non-profit organizations in constructing facilities and bringing educational and cultural programs to the U.S. public, and is a competitive, merit-based grant program.

For FY2004, the Bush Administration has requested an NTIA budget of $21.4 million, down from $73.6 million in FY2003. For Salaries and Expenses, the Bush Administration has requested $18.6 million, up from $14.7 million in FY2003. This increase would be used to further develop basic research, analytical, and management topics of interest to the U.S. telecommunications and information sectors of the economy. For the TOP, the Bush Administration has requested zero funding in FY2004; in FY2003, TOP receives $15.5 million. The Bush Administration contends that the TOP program has by its very successes achieved its objectives. For the PTFPC, the Bush Administration has requested $2.5 million in FY2004 to close out this program's activities. Public broadcast transmission and digital conversion would be taken over completely by the Corporation for Public Broadcasting. In FY2003, the PTFPC receives $43.6 million.

The conference report provides the following for NTIA's FY2004 budget: $14.6 million for Salaries and Expenses, $15 million for TOP, $22 million for PTFPC; and a total appropriations of $51.6 million.

U.S. Patent and Trademark Office

The U.S. Patent and Trademark Office (USPTO) is funded by user fees collected from customers that are designated as "offsetting collections" and subject to spending limits established by the Appropriations Committee. For FY2004, the Administration's budget would have provided the USPTO with authority to spend $1.203 billion from fees generated in that fiscal year. In addition, the Administration proposed to support legislation to change the statutory fee structure to raise an additional $201 million for the Office. The $1.404 billion in budget authority was almost 19% more than FY2003, yet $100 million less than the $1.504 billion the USPTO estimates it will collect in fees during FY2004.

H.R. 2799, as initially passed by the House on July 23, 2003, recommended $1.239 billion in budget authority for the USPTO. Of this amount, $1.139 billion would be derived from fees to be collected in FY2004 and $100 million from fees generated in prior fiscal years. The original House figure was almost 5% above the FY2003 budget authority, but approximately 12% below the President's budget request. The recommended authority was $265 million less than the expected FY2003 fee collection.

Subsequently, H.R. 2799 was incorporated into P.L. 108-199, the FY2004 Omnibus Appropriations Act (H.R. 2673), signed into law on January 23, 2004. The USPTO is provided $1.222 billion in budget authority to be derived from fees collected in FY2004. The recommended figure is 3% more than FY2003 but $282 million less than the anticipated amount of fees to be collected in FY2004.

As reported by the Senate Committee on Appropriations, S. 1585 would have provided the USPTO with the authority to use $1.217 billion in fees generated during FY2004.

Under the Omnibus Budget Act (P.L. 108-7), the USPTO had the authority to spend $1.182 billion for FY2003. Of this amount, $1.015 billion was derived from offsetting collections and $167 million from fees generated in previous years. While the budget authority was 5% more than the prior fiscal year, it was $345 million less than the $1.527 billion expected from fees collected in FY2003.

Since 1990, appropriation measures have limited the ability of the U.S. Patent and Trademark Office to utilize the full amount of fees collected in each fiscal year. This is an area of controversy. Opponents of this approach argue that agency operations are supported by payments for services that must be financed in the year the expenses are incurred. Proponents of current methods maintain that the fees are necessary to help balance the budget and the amount of fees appropriated back to the USPTO are sufficient to cover operating costs.

National Institute of Standards and Technology

The Bush Administration's FY2004 budget requested $496.8 million for the National Institute of Standards and Technology (NIST). This amount was 30% less than the FY2003 appropriation due to significant reductions in support for the Advanced Technology Program (ATP) and the Manufacturing Extension Partnership (MEP), two extramural programs operated by NIST. The $27 million designated for ATP was to cover on-going commitments; no new projects would be funded. The $12.6 million for MEP was to finance the operation of centers that have not received 6 years of federal support. In-house research and development performed under the Scientific and

Technical Research and Services (STRS) account would have been funded at $387.6 million, an increase of 8% over the previous fiscal year. The construction budget would total $69.6 million.

H.R. 2799, as initially passed by the House on July 23, 2003, provided $460.1 million in FY2004 funding for NIST. This figure was 35% below the FY2003 appropriation due primarily to a major reduction in support for MEP and no funding for ATP. Included in the total was $357.9 million for the core programs in the STRS account (a small increase over FY2003) and $39.6 million for the Manufacturing Extension Partnership (a 63% reduction from the earlier fiscal year). The construction budget would have been $62.6 million.

Subsequently, H.R. 2799 was incorporated into P.L. 108-199, the FY2004 Omnibus Appropriations Act (H.R. 2673), signed into law on January 23, 2004. Under this legislation, NIST will be funded at $628.1 million, 12% below the FY2003 appropriation but 26% above the President's budget request. The STRS account will receive $344.4 million (a 3.6% decrease from FY2003). Manufacturing extension is financed at $39.6 million, a 63% reduction from the current fiscal year although 68% above the Administration's FY2004 request. ATP is funded at $179.2 million which represents a slight increase from FY2003 but almost 7 times the amount recommended by the Administration. Construction will receive $64.9 million. [Note that these figures do not reflect a 0.59% across the board rescission included in the bill.]

S. 1585, as reported from the Senate Committee on Appropriations on September 5, 2003, would have funded NIST at $835.2 million for FY2004, 18% above FY2003 and almost 81% more than the amount in the initial House-passed bill. The significant increases contained in the Senate legislation primarily were due to restoration of funding for the Manufacturing Extension Program and increased support for the Advanced Technology Program. S. 1585 would have provided $383.4 million for the STRS account (7% above FY2003), $106.6 million for MEP (a slight increase from the current fiscal year), and $259.6 million for ATP (45% more than the FY2003 appropriation). In addition, the Committee Report to accompany the Senate bill recommended that of the amount designated for ATP, $50 million be used for homeland security projects. Construction would have been funded at $84.6 million.

NIST received $707.5 million in appropriations for FY2003 (after the 0.65% across the board recision required by P.L. 108-7), an increase of almost 5% above the previous fiscal year. Included in this figure was $357.1 million for the STRS account, $178.8 million for ATP, $105.9 million for MEP, and $65.7 million for construction.

Continued support for the Advanced Technology Program has been a major funding issue. ATP provides "seed financing," matched by private sector investment, to businesses or consortia (including universities and government laboratories) for development of generic technologies that have broad applications across industries. Opponents of the program cite it as a prime example of "corporate welfare," whereby the federal government invests in applied research activities that, they emphasize, should be conducted by the private sector. Others defend ATP, arguing it assists businesses (and small manufacturers) develop technologies that, while crucial to industrial competitiveness, would not or could not be developed by the private sector alone. While Congress has maintained support for the Advanced Technology Program, the initial appropriation bills passed by the House since FY2002 failed to provide funding for ATP. The Bush Administration's FY2004 budget proposal once again would have eliminated the program. However, P.L. 108-199, the Omnibus Appropriations Act, includes a small increase in support for ATP.

The budget for the Manufacturing Extension Partnership, another extramural program administered by NIST, was an issue in the FY2004 appropriations deliberations. While in the recent past, congressional support for MEP remained constant, the Administration's FY2004

budget request, the initial House-passed bill, and the FY2004 Omnibus Appropriations Act substantially decreased federal funding for this initiative reflecting the President's recommendation that manufacturing extension centers "...with more than six years experience operate without federal contribution."

National Oceanic and Atmospheric Administration

Agency Funding . On Jan. 23, 2004, President Bush enacted H.R. 2673, the Consolidated Appropriations Act, 2004 (P.L. 108-199). Title II of that act funds Commerce, Justice, State, the Judiciary, and Related Agencies (CJS) for FY2004, including NOAA. The conference committee on H.R. 2673 reported H.R. 2673 (H.Rept. 108-401) and recommended $3.77 billion for NOAA, the same amount as was enacted. Congress passed the conference report on Jan. 22, 2004. On Sept. 5, 2003, the Senate Appropriations Committee reported S. 1585, its version of CJS appropriations for FY2004, and recommended $3.78 billion in funding for NOAA. The House passed its version, H.R. 2799, on July 23, 2003, appropriating $3.05 billion for the agency. President Bush requested $3.32 billion for NOAA in his FY2004 budget submission in February 2003. Soon thereafter, Congress passed the Consolidated Appropriations Act, 2003 (P.L. 108-7), funding NOAA at $3.24 billion.

Appropriations for FY2004 enacted for NOAA were $14 million, or 0.3%, less than Senate Appropriations Committee recommendations; $720 million, or 23.6%, greater than House-passed appropriations; $45.0 million, or 13.6%, greater than the President's request; and $53 million, or 16.4%, greater than FY2003 appropriations.

Highlights . In most cases, funding levels enacted for NOAA's line offices are higher than requested by the President, or that recommended by congressional appropriations committees. There were exceptions, however. The Senate Appropriation Committee had recommended 4.8% more for NOAA Fisheries. Also, appropriations enacted for NOAA Facilities are far less than requested by the President or recommended by House and Senate appropriations committees. Those obligations were transferred to a different NOAA account, however.

The following table shows NOAA funding enacted for FY2004, broken out by the Operations, Research, and Facilities (ORF) account, which funds the agency's five line offices and Program Support; the Procurement, Acquisition, and Construction (PAC) account; and NOAA's "Other Accounts." Also included are the President's FY2004 request, Senate Appropriations Committee recommendations, House-passed appropriations, and FY2003 enacted appropriations.

Table 5. NOAA: President's Budget Request and Congressional Appropriations for FY2004

($ millions)

NOAA Budget Accounts and Line Offices	FY2003 Enacted[a]	FY2004 Request[b]	H.R. 2799[c]	S. 1585[d]	FY2004 Enacted[e]
Operations, Research, and Facilities (ORF)					
NOAA Ocean Service (NOS)	417.9	391.0	363.2	508.6	513.9
NOAA Fisheries (NMFS)	580.1	621.0	545.1	672.5	640.0
NOAA Research (OAR)	374.7	366.5	306.4	394.5	400.8
National Weather Service (NWS)	698.8	721.0	713.8	696.9	729.7
NOAA Satellites and Information (NESDIS)	150.6	150.3	146.3	148.8	153.8

NOAA Budget Accounts and Line Offices	FY2003 Enacted[a]	FY2004 Request[b]	H.R. 2799[c]	S. 1585[d]	FY2004 Enacted[e]
PS-NOAA Corporate Services (CS)	68.8	93.9	87.3	179.7	185.3
Office of Marine and Aviation Operations (OMAO)	75.5	109.1	101.4	114.8	115.0
Facilities (FAC)	13.2	29.5	13.1	32.8	10.0[f]
Budget authority derived from deobligations/transfers	(82.0)	(90.0)	(96.2)	(67.0)	(62.0)
ORF Total Appropriation[g]	2,298.5	2,392.3	2,180.5	2,681.5	2,686.5
Non-ORF					
Procurement, Acquisition, and Construction (PAC)	819.1[h]	842.4	794.1	990.1	990.1[i]
Pacific Coastal Salmon Recovery	129.2[j]	90.0	90.0	90.0	90.0
International Fisheries Commission[k]	—	—	—	20.7	—
Other Fisheries/Mandatories	(11.1)	(5.9)	(10.0)	(8.0)	(1.2)
Non-ORF Total Appropriation	937.2	926.5	874.1	1,072.1	1,078.9
NOAA Discretionary Totals*	3,235.7	3,318.8	3,054.6[l]	3,779.4	3,765.4

Source: Compiled by CRS from sources noted below. For more information about NOAA's FY2003 funding, see CRS Report RL31567, *The National Oceanic and Atmospheric Administration (NOAA): President's Budget and Congressional Appropriations for FY2003*, by Wayne A. Morrissey.

Notes: Numbers may not add due to rounding.

a. P.L. 108-7, as printed in *Congressional Record*, February 12, 2003: H904-H932, H947. See also H.Rept. 108-10, Division B, Title II-Department of Commerce, National Oceanic and Atmospheric Administration.

b. FY2004 budget request numbers as reported by the House Appropriations Committee, May 5, 2003. A breakout of NOAA line office funding requested for FY2004 was reported by the U.S. Dept. of Commerce in: *National Oceanic and Atmospheric Administration in: the FY2004 Budget Summary*, Feb. 3, 2003, found at http://www.noaa.gov.

c. As passed by the House. See H.Rept. 108-221, to accompany H.R. 2799, July 21, 2003.

d. As reported by the Senate Appropriations Committee, S.Rept. 108-144, to accompany S. 1585, Sept. 5, 2003.

e. See H.Rept. 108-401 on H.R. 2673, Division B, Title II, *Congressional Record*, November 25, 2003: H12487-H12515.

f. ORF appropriations totals exclude other budget authority such as deobligations, mandatory transfers within NOAA, or funding provided by other federal agencies. These are subtracted in the previous line.

g. Reflects transfers of some facilities maintenance funding from some ORF line office accounts to PAC.

h. Amount included $65 million in FY2003 Supplemental Appropriations for NOAA weather satellites (P.L. 108-11). Deobligations of $3.2 million approved by Congress for the PAC account are also reflected in this amount.

i. H.Rept. 108-401, §212, provides an additional $6.1 million for one-time appropriations of specific projects under PAC construction, which is not reflected in this total.

j. Amount includes request for $40 million as final U.S. payment for two restoration funds under the 1999 Pacific Salmon Treaty.

k. Neither the House, nor the conference committee included funding for "International Fisheries Commissions," a new fund recommended in the Senate Appropriations Committee bill. However, Senate Appropriations Committee funding tables attributed $16.9 million in appropriations for the House for this activity.

l. The Senate Appropriations Committee's total reported for the House exceeded that reported by the House Appropriations Committee by $148.3 million. The reasons for that difference are not apparent.

FY2004 Appropriations for NOAA . Of the $3.77 billion enacted for NOAA, $2.69 billion is provided for ORF, $990.1 million for PAC, and $90.0 million for "Other Accounts," which include the Pacific Coastal Salmon Recovery Fund (PCSRF) and NOAA Fisheries-related legal and financing accounts. (See **table**.) For FY2004, NOAA's five line offices collectively would transfer $4.3 million to the Office of Marine and Aviation Operations (OMAO) under Program Support, for fleet planning and maintenance activities. Enacted appropriations do not include $3 million for the Coastal Zone Management Fund (CZMF), additional budget authority which had been transferred to ORF in previous years.

Prior to enactment of FY2004 appropriations, the conference committee on H.R. 2673 had recommended budget instructions for NOAA in its committee report (H.Rept. 108-401). For example, it directed that $1.2 million be transferred from NOAA Fisheries (ORF) to the Marine Mammal Commission as compensation for "salaries and expenses." The committee also recommended rescinding $2.5 million from National Ocean Service (NOS) PAC funding for construction in the National Estuarine Research Reserves System. Even so, conferees recommended $88.7 million more than the President had requested for NOS PAC, overall. Also, they recommended that no FY2004 funding be spent on the President's e-Gov initiative.

Under "General Provisions" Division B, Title II, §212, conferees recommended an additional $6.1 million for NOS PAC to fund seven specified construction projects. In §208, additional spending authority of $17 million (from PDAF) was appropriated for regional fisheries products development programs. Section §215 directed that $100 million be rescinded from all unobligated balances for FY2003, except for certain identified programs.

Other budget direction about NOAA Alaska fisheries management is found in Title VIII of H.R. 2673, "Alaskan Fisheries." Title VIII authorizes implementation by a prior regulation a Bering Sea and Aleutian Crab buyback program and other fishery management-related activities authorized by the Magnuson Fisheries Act (16 U.S.C. 1801 et seq). NOAA Fisheries would make available $1.0 million annually for the North Pacific Fishery Management Council to implement the program.

Some $5.5 million was enacted for the "NOAA Weather Radio-All Hazard National Warning Network," the same as requested by the President for FY2004, and as passed by the House. The Senate Appropriations Committee did not recommend funding for this initiative. (An expanded review of NOAA's FY2004 budget and appropriations will be available in an upcoming CRS report.)

Departmental Management

The President's FY2004 budget request called for $80.57 million for Departmental Management. This would have been about $15.4 million above the FY2003 appropriation, a 23.6% increase. The House Appropriations Committee recommended $66.66 million, an amount nearly $14 million below the Administration's request, but roughly $1.5 million above the FY2003 level. The House bill, which was passed on July 23, 2003, approved this funding level. The Senate Appropriations Committee recommended $65.78 million. The enacted FY2004 Departmental Management budget was roughly $68.4 million, $12.2 million less than the Administration requested.

The Office of Inspector General (IG) within the Commerce Department is funded through the Departmental Management account. The Administration requested $23.38 million for the IG, which was roughly $2.88 (14%) above the FY2003 amount. The House bill approved $22 million

for the IG, which was $1.38 million below the requested level. The Senate Appropriations Committee recommended $21.12 million. The enacted FY2004 budget for the Inspector General Office was $21.116 million.

Table 6. FY2004 Funding for the Department of Commerce and Related Agencies

($ millions in budget authority)

Bureau or Agency	FY2002 Enacted	FY2003 Enacted	FY2004 Admin. Request	FY2004 House Passed	FY2004 Senate Reported	FY2004 Enacted
International Trade Administration	$345.5	$359.8	$395.1	$382.1	$372.1	$382.1
Bureau of Industry and Security	$70.6	$66.3	$78.2	$68.2	$73.1	$68.2
Economic Development Administration	$365.6	$318.7	$364.4	$318.7	$387.7	$318.7
Minority Business Development Agency	$28.4	$28.7	$29.5	$29.0	$28.7	$28.9
Economic and Statistical Analysis	$62.5	$71.7	$84.8	$75.0	$84.8	$75.0
Bureau of the Census	$479.5	$550.9	$662.0	$662.0	$550.9	$630.9
National Telecommunications and Information Administration	$81.3	$73.3	$21.4	$32.5	$85.5	$51.6
Patent and Trademark Office[a]	($1,127.5)	($1,182.0)	($1,395.1)	($1,238.7)	($1,217.5)	($1,222.5)
Technology Administration	$8.2	$9.8	$8.0	$7.8	—	$6.4
National Institute of Standards and Technology	$684.8	$707.5	$496.8	$460.1	$845.0	$628.1
National Oceanic and Atmospheric Administration	$3,249.7	$3,235.7	$3,318.8	$3,054.5	$3,779.4	$3,740.6
Departmental Management	$63.0	$65.2	$80.6	$66.7	$65.8	$68.4
Other						$8.1
Department of Commerce Subtotal:	*$5,739.0*	*$5,704.0*	*$5,718.6*	*$5,156.6*	*$6,273.9*	*$6,007.0*
U.S. Trade Representative	$30.1	$37.1	$37.0	$42.0	$37.0	$42.0
International Trade Commission	$51.4	$53.7	$58.3	$57.0	$58.3	$58.3
Related Agencies Subtotal:	*$81.5*	*$91.7*	*$95.3*	*$99.0*	*$95.3*	*$100.3*
Rescission						**($100.0)**
Title II Total:	**$5,804.5**	**$5,795.8**	**$5,813.8**	**$5,255.6**	**$6,369.1**	**$6,007.3**

Source: U.S. House of Representatives, Committee on Appropriations.

a. The Patent and Trademark Office (PTO) is fully funded by user fees. The fees collected, but not obligated *during* the current year, are available for obligation in the following fiscal year, and *do not* count toward the appropriation totals. Only newly appropriated funds count toward the annual appropriation totals.

Related Legislation

H.R. 2535 (LaTourette)

Economic Development Administration Reauthorization Act of 2003. This bill reauthorizes and seeks to improve the programs authorized by the Public Works and Economic Development Act

of 1965. H.R. 2535 was introduced on June 19, 2003, and referred to the House Committees on Transportation and Infrastructure and Financial Services. The Transportation and Infrastructure Committee approved the bill on June 25, 2003.

H.R. 1561 (L. Smith)

United States Patent and Trademark Fee Modernization Act of 2003. This bill would amend federal patent law to lower patent filing and basic national fees; increase excess claims, disclaimer, appeal, extension, revival, and maintenance fees; and add new application examination, patent search, and patent issuance fees. It would also prescribe fees under the Trademark Act of 1946 for electronic and paper applications for trademark registration. H.R. 1561 was referred to the House Committee on The Judiciary on April 3, 2003. On May 22, 2003, the Subcommittee on Courts, the Internet, and Intellectual Property approved the bill and forwarded it to the full committee.

Related CRS Products

CRS Report RL31438, *Patent Administration: Current Issues and Possibilities for Reform*, by John R. Thomas.

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

CRS Report RL31680, *Homeland Security: Standards for State and Local Preparedness*, by Ben Canada.

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

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

CRS Report RS21460, *The National Oceanic and Atmospheric Administration (NOAA): A Brief Review of FY2003 Appropriations and the FY2004 Budget*, by Wayne A. Morrissey.

CRS Report RS20906, *U.S. Patent and Trademark Office Appropriations Process: A Brief Explanation*, by Wendy H. Schacht.

The Judiciary

Background

Typically, Title III of the CJS appropriation covers funding for the Judiciary. By statute (31 U.S.C. 1105 (b)) the judicial branch's budget is accorded protection from presidential alteration. Thus, when the President transmits a proposed federal budget to Congress, he 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 FY2003, including supplemental appropriations, was $4.92 billion.

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

Court's building and grounds account. Although it is at the apex of the federal judicial system, the Supreme Court represents only a very small share of the Judiciary's overall funding. For FY2003, the total appropriations enacted for the Supreme Court's two accounts, $88.3 million, were 1.8 % of the Judiciary's overall appropriation of $4.92 billion.

The rest of the Judiciary's budget provides funding for the "lower" federal courts and for related judicial services. Among the lower court accounts, one dwarfs all others—the Salaries and Expenses account for the U.S. Courts of Appeals and District Courts. The account, however, covers not only the salaries of circuit and district judges (including judges of the territorial courts of the United States), but also those of retired justices and judges, U.S. Court of Federal Claims, bankruptcy and 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 (which, through research and continuing education programs for judges and judicial personnel, seeks to further improvements in judicial administration), and the U.S. Sentencing Commission (an independent commission in the judicial branch, which establishes sentencing policies and practices for the courts).

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

The Judiciary budget does not appropriate funds for three "special courts" in the U.S. court system: the U.S. Court of Appeals for the Armed Forces (funded in the Department of Defense appropriations bill), the U.S. Tax Court (funded in the Treasury, Postal Service appropriations bill), and the U.S. Court of Appeals for Veterans Claims (funded in the Department of Veteran Affairs and Housing and Urban Development appropriations bill). Construction of federal courthouses also is not funded within the Judiciary's budget. The legislative vehicle for funding federal courthouse construction is the Transportation-Treasury appropriations bill.

The Judiciary's FY2004 Request

For FY2004, the Judiciary requested $5.43 billion in total funding, a 10.3% increase over $4.92 billion enacted for FY2003. The Judiciary requested increases over FY2003 levels for all of its budget accounts except for two—the Supreme Court's Building and Grounds account ($4.7 million requested for FY2004, compared with $41.4 million appropriated for FY2003), and Fees of Jurors and Commissioners ($53.2 million requested for FY2004, compared with $57.1 million in FY2003). More than three quarters of the requested amount, $4.19 billion (compared with $3.79 billion for FY2003), was sought for the Judiciary's largest account, Salaries and Expenses for the Courts of Appeals, District Courts and Other Judicial Services, which funds most lower court operations (hereafter referred to as the Salaries and Expenses account).

At March 27, 2003, hearings before the House Appropriations Subcommittee on CJS, a Judiciary spokesman said that nearly two-thirds of the requested increase was required to maintain current operations with pay and benefit adjustments, inflationary adjustments, increases in General Services Administration space rental costs, an increase in filled Article III judgeships, and continued security measures. The remaining one-third, he said, was primarily to provide for programmatic and workload-related needs such as high-profile terrorist trials, an unprecedented

number of bankruptcy filings, and significant increases in the workload for probation and pretrial services officers.

In October 2003, Chief Justice William H. Rehnquist wrote to the chairs of the House and Senate Appropriations Committees asking for a higher total appropriation for the Judiciary than provided for in the CJS appropriations bills pending in the House and Senate. His letter focused on the Judiciary's Salaries and Expenses account, which, as noted above, received $3.79 billion in direct appropriations in FY2003. For FY2004, the House-passed CJS bill appropriated $4.0 billion for this account, while the Senate Appropriations Committee recommended $3.89 billion.

The Chief Justice stated that, if enacted, the amount provided for FY2004 in the Senate-reported bill could have a "significant, adverse impact on our judicial system." The courts, he said, likely would be "forced to reduce Probation/Pretrial Services and Clerks Offices personnel by an estimated 2,900, or 13 percent below current, on-board staffing levels." As for the Housed-passed funding level, he said staffing reductions might not require future lay-offs or furloughs; nonetheless, "the end result will still be fewer court staff available to handle the historic growth in bankruptcy filings, the continuing increase in criminal cases and higher levels of released felons under supervised release." With an "understanding" that Congress was likely "not in a position to provide for our full request," the Chief Justice "respectfully requested" an appropriations for the Salaries and Expenses account of $4.06 billion. This, he said, represented a 7.3% increase over FY2003 funding, and was the amount "we believe is necessary to fund our mandatory expenses and allow the courts to continue to operate at FY2003 staffing levels."

Subsequently, on January 23, 2004, an FY2004 budget for the Judiciary was signed into law by President Bush as part of the Consolidated Appropriations Act for FY2004 (P.L. 108-199). (House-Senate conferees had reached agreement on the Act on November 2, 2003, and the Act was agreed to by the House on December 8, 2003. Although the Senate declined to act on the bill before the final adjournment of the First Session of the 108th Congress, it later agreed to the conference report on January 22, 2004, by a 65-28 roll call vote.)

P.L. 108-199 provides total budget authority for the Judiciary of $5.17 billion, 5.0% over FY2003 funding (including supplemental appropriations for FY2003). For the Salaries and Expenses account, the Act appropriates $3.99 billion, 5.4% above FY2003 funding. However, the Act also includes two rescissions, resulting in a 1.055% reduction in the discretionary spending appropriated for each Judiciary budget account.

In December 2003, in anticipation of the enactment of the FY2004 consolidated appropriations bill, the Judiciary prepared a final financial plan for FY2004. The plan, according to Judiciary officials, left many court units with no alternative but to cut staffing and curtail services. Formulated by the Executive Committee of the Judicial Conference, the plan was based upon a 4.7% increase over FY2003 funding for the Salaries and Expenses account, and on a 5.0% increase over FY2003 funding for the federal Judiciary as a whole. These percentage increases, the Judiciary noted, reflected the two across-the-board rescissions affecting the Judiciary which were included in the Consolidated Appropriations Act. In a "Budget Facts and Figures" synopsis on its internet web site (at), the Judiciary said that the 4.7% increase provided $4 billion for the Salaries and Expenses account, which, the Judiciary said, was $129 million below the amount needed to maintain court staffing levels. Also, it said, funding to make payments to private "panel attorneys" representing indigent defendants in federal criminal cases (appropriated in the Judiciary's Defender Services account), was inadequate and would run out three weeks before the end of FY2004.

On January 1, 2004, in his *2003 Year-End Report on the Federal Judiciary*, Chief Justice Rehnquist commented that the FY2004 budget process for the Judiciary had been "a difficult

one." The delay in Congress in enacting an appropriations bill, he said, had "disrupted the Judiciary and forced it to operate at inadequate levels of funding under continuing resolutions." Also, he said, many courts, in the remainder of FY2004, might face hiring freezes, furloughs, or reductions in force. The Chief Justice expressed his hope that Congress would soon pass a FY2004 appropriation for the Judiciary and that, in future years, the Judiciary's budget would be enacted prior to the beginning of the fiscal year. (*2003 Year-End Report* available at http://www.uscourts.gov/ttb/jan04ttb/)

FY2004 Funding Issues

Supreme Court

The budget request of the Supreme Court for FY2004, as customary, was in two parts. For the Court's first account, Salaries and Expenses, the Judiciary had requested $57.5 million—22.3% over FY2003 budget authority of $47.0 million. (Of the $4.2 million requested over base adjustments, most was related to technological improvements in automation and security. The request also included $675,000 to fund the hiring of 13 additional police officers. Subsequently, funding for additional police officers was approved by Congress in the Emergency Wartime Supplemental Appropriations Act, Pub.L.108-11, enacted Apr.16, 2003.)

The Consolidated Appropriations Act for FY2004 (P.L. 108-199) includes, as provided by the earlier House-passed CJS bill, $55.4 million for the Court's Salaries and Expenses account, a 17.8% increase over FY2003 funding, instead of $59.4 million as recommended by the Senate Appropriations Committee. Conferees for the consolidated bill said that, as described in the Senate Appropriations Committee report (S.Rept. 108-144, at p. 116), the Court was expected to report to the two Appropriation Committees on the savings associated with hiring systems accountants to replace contractors. The conferees also adopted by reference House report language (H.Rept. 108-221, at p. 114), which had expressed concerns about minority hiring and diversity among law clerks at the Supreme Court and urged the Court and the Judicial Conference "to continue to make progress in this matter."

For the Court's second account, Care of the Building and Grounds, $16.8 million was initially requested by the Court. This amount included the President's original request of $4.7 million (for traditional building and grounds operations and new capital projects) and a "budget amendment" (the phrase used by the Judiciary in its FY2004 budget submission) of $12.2 million for continuation of the Supreme Court building modernization program. From FY1998 through FY2003, Congress appropriated a total of $110.1 million for the multi-year Supreme Court modernization project, the first major renovation of the Court building since its opening in 1935. The $12.2 million originally requested for the project in FY2004 have brought the total for the modernization project up to its final projected cost of $122.3 million. However, the Court subsequently reduced its FY2004 request for the modernization project from $12.2 million to $6 million to reflect the funding amount actually expected to be obligated during FY2004. The target date for completion of the project is the summer of 2008.

The Consolidated Appropriations Act for FY2004 includes $26.4 million for the Building and Grounds account. The $26.4 million consists of an appropriation of $10.6 million within the Judiciary title of the Act, a transfer to this account of $16.0 million from Division H., Section 106 of the Act, and an FY2004 rescission of $206,000. The $10.6 million appropriation is in keeping with that appropriated in the House-passed CJS bill, H.R. 2799. (The $10.6 million appropriation is almost equal to the sum of $4.7 million recommended by the President for traditional building and grounds operations and new capital projects and the $6 million most recently requested by

the Court for its building modernization project.) The Senate Appropriations Committee had recommended $4.7 million for this account. Conferees for the consolidated bill also adopted by reference House report language on H.R. 2799 which directed the Court and the Architect of the Capitol to submit, within 90 days of enactment of the bill, a study of the feasibility of establishing a "visitor screening site" outside the Supreme Court building. (H.Rept. 108-221, at p. 115)

Defender Services

This account funds the operations of the federal public defender and community defender organizations, and the compensation, reimbursement, and expenses of private practice "panel attorneys" appointed by the courts to serve as defense counsel to indigent individuals accused of federal crimes. The Judiciary requested $635.5 million in FY2004 funding for this account, 15.1% above the $552.2 million enacted for FY2003 (including supplemental appropriations). The Consolidated Appropriations Act for FY2004 provides $604.5 million for Defender Services, a 9.5% increase over FY2003. The amount of $604.5 million is exactly halfway between $613.9 million for this account in the House-passed CJS bill, H.R. 2799, and $595.0 million recommended by the Senate Appropriations Committee.

The requested amount included $2.6 million for an increase in the hourly pay rate for panel attorneys in "capital cases"—cases where the Department of Justice is seeking to impose the death penalty. The funding would have increased the maximum hourly pay rate in such cases from $125 to $157 effective on April 1, 2004. (The $125 maximum hourly rate of compensation in capital cases has been in place essentially since 1989, and subsequently was statutorily set as the maximum by the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104-132.) The request also included $10.4 million for an increase in the hourly pay rate for panel attorneys in non-capital cases from $90 to $113, also effective on April 1, 2004. (The $90 hourly rate was implemented on May 1, 2002.)

The Consolidated Appropriations Act for FY2004, however, does not provide for any increases in panel attorney hourly pay rates. Instead, conferees for the Act adopted by reference House and Senate report language, discussed below, concerning budget requests for panel attorney pay rate increases. The conferrees stated that they expect the Judiciary to address these concerns before requesting pay increases above the rate of inflation.

The earlier-passed House CJS bill, H.R. 2799, had included funding for an inflationary increase in the non-capital panel attorney rate from $90 to $92 per hour and in the capital panel attorney rate from $125 to $128 per hour, effective April 1, 2004. However, the House Appropriations Committee in its report (H.Rept. 108-221, at p. 117) explicitly rejected the Judiciary's request for a pay raise in non-capital panel attorney rates to $113 per hour. The House committee said it expected the Judiciary to document the impact of a $45 million increase provided to Defender Services in FY2002 and FY2003 on the Judiciary's ability to attract and retain adequate panel attorney representations. Further the committee questioned why the Judiciary "continues to propose a single hourly rate to be implemented nationally," when, the committee said, it understood that there "continue to be disparities throughout the country in the costs to attract and retain counsel."

For its part, the Senate Appropriations Committee declined to recommend any increase in either panel attorney rate. In its report (S.Rept. 108-144, at p. 120), the committee noted that it had provided for a significant increase in panel attorney hourly rates in FY2002 The committee said it had not seen any empirical evidence from the Judiciary to support the latter's request for an additional increase in the hourly rate from $90 to $113 for non-capital cases and from $125 to $157 for capital cases. The committee asked that, in future budget submissions, the Judiciary

include such data as an accompaniment to its request, and it urged the Administrative Office of the U.S. Courts to "survey appropriate judges and report as soon as practical to the Committee statistical data supporting the issues as reported by the judges."

Court Security

The Judiciary requested $311.2 million for this account, a 16.7% increase over $267.7 million enacted for FY2003. Court Security, conferees for the FY2003 bill (in H.Rept. 108-10) had noted, "is a unique account appropriated to the Judiciary but primarily managed by the Department of Justice." The FY2003 conferees said they expected the Director of the U.S. Marshals Service "to provide the same level of budgetary and program oversight to this program as programs appropriated directly to the U.S. Marshals Service." The Consolidated Appropriations Act for FY2004 includes $277.5 million for Court Security, a 4.1% increase over FY2003 funding, and an amount halfway between $288.9 million passed earlier by the House in its CJS bill, H.R. 2799, and $266.1 million recommended by the Senate Appropriations Committee.

Testifying before the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary on March 27, 2003, a Judiciary spokesman referred to the 106 supervisory deputy marshal positions, approved by Congress in FY2002 and transferred to the Department of Justice in FY2003, as a "linchpin to effective security of our courthouses," and he asked for Congress's support to "ensure that they will continue to be dedicated to courthouse security."

In response, the House Appropriations Committee, in its report (H.Rept. 108-221, at p. 117), noted that its recommendation, under the U.S. Marshals Service (USMS) account in Title I of the CJS bill, provided funding for the 106 supervisory deputy marshal positions. However, the committee said it remained concerned about the administration of court security by the USMS and the Administrative Office of the U.S. Courts. The committee noted that the Statement of Managers accompanying the FY2003 CJS Act had directed that future budget requests "clearly display the level and types of court security equipment and systems requested compared with the current year." This information, the committee said, "was not provided in the fiscal year 2004 budget justifications nor was it provided in a timely manner after the submission of the budget request." Likewise, the Senate Appropriations Committee in its report (S.Rept. 108-144, at p. 121) noted that it had "not received the study on the management of this program and the unique relationship between the U.S. Marshals Service and the Federal Judiciary as requested last year."

Most recently, conferees for the Consolidated Appropriations Act for FY2004 expressed their concern about "the delay in submitting the management study the United States Marshals Service was directed to conduct in fiscal year 2003." The conferees said they hope this study "will provide recommendations to improve the administration of this program by the USMS and the Judiciary."

In evident response to the Judiciary's court security concerns expressed at the March 27, 2003 hearings (discussed above), the Consolidated Appropriations Act provides $10.7 million in funding for the U.S. Marshals Service "for 100 new positions to address shortfalls in the protection of the judicial process." The positions, the conferees stated, "are to be allocated to those [judicial] districts with the highest priority needs." (H.Rept. 108-401, at p. 522) The conference agreement also provides $13.4 million to the Marshals Service "for courthouse security equipment to be allocated to the USMS's highest priority needs."

Pay Increases for Judges and Justices

The Judiciary's FY2004 request included $4.0 million for a 2.0% cost-of-living increase adjustment for judges and justices, effective January 2004. In February 2003, judges received a

3.1% cost-of-living increase in their salaries, retroactive to January 1, 2003. The FY2003 adjustment followed other upward adjustments in judges' and justices' salaries, which Congress approved in fiscal years 2002, 2001, 2000, 1998, and 1993. Congress, however, declined to authorize such adjustments for FY1999 or for fiscal years 1994 through 1997.

The congressional reaction to the Judiciary's request for a FY2004 cost-of-living salary adjustment at first was mixed, but ultimately was favorable. In January 2004, upon enactment of the Consolidated Appropriations Act for FY2004, salaries of federal judges and justices increased by 2.2%.

Earlier, the House-passed FY2004 CJS bill (H.R. 2799) did not include funding for a pay adjustment. The Senate Appropriations Committee, however, recommended both a cost-of-living and a 16.5% salary increase for federal judges. The Senate-reported bill, S. 1585, appropriated $36.0 million to fund the 16.5% salary hike, while the Senate Appropriations Committee in its report (S. 108-144, at p. 197) anticipated that $4.0 million would be required to fund the cost-of-living increase.

On May 7, 2003, in a related legislative development, separate from the appropriations process, Senator Orrin G. Hatch, chair of the Senate Judiciary Committee, introduced legislation, S. 1023, to provide for a 16.5% pay increase to federal judges. On May 9, President George W. Bush announced his support for S. 1023, and on June 18, 2003, the bill was reported favorably by the Senate Judiciary Committee to the full Senate, to await consideration by that chamber. A companion bill in the House, H.R. 2118, was introduced by Representative Henry J. Hyde on May 15, 2003 and then referred to the House Judiciary Committee, to await committee consideration.

In November 2003, both Houses of Congress approved H.R. 3349, a bill authorizing a cost-of-living salary adjustment for federal justices and judges for FY2004. On December 6, 2003, President George W. Bush signed the bill into law (P.L. 108-167). Under federal law (specifically, P.L. 97-92, Sec. 140), a new congressional authorization is required before federal judges and justices may receive a so-called automatic pay adjustment under the Ethics Reform Act of 1989, and enactment of P.L. 108-167 met this authorization requirement for purposes of an FY2004 judicial cost-of-living increase. Upon enactment of the Consolidated Appropriations Act for FY2004, which adjusted the pay of federal General Schedule employees upward by 4.1%, retroactive to January 11, 2004, salaries of federal judges and justices also were increased retroactively, by 2.2%.

The Judiciary's FY2004 request came on the heels of the *2002 Year-End Report on the Federal Judiciary* of Chief Justice William H. Rehnquist. In that report, the Chief Justice maintained that more than a cost-of-living adjustment was needed in the way of a judicial salary increase. "We cannot continue to use an arrangement for setting pay," the Chief Justice declared, "that simply ignores the need to raise pay until judicial and other high-level government salaries are so skewed that a large (and politically unpopular) increase is necessary." The Chief Justice explained, that "I am not suggesting that we match the pay of the private sector—but the large and growing disparity must be decreased if we hope to continue to provide our nation a capable and effective federal judicial system."

In his 2003 *Year-End Report on the Federal Judiciary*, released on January 1, 2004, Chief Justice Rehnquist commented that Congress had "failed this year to raise judicial salaries significantly." Nevertheless, he thanked all of those who "worked so hard during the last year to get Congress to increase the pay of judges beyond a modest cost-of-living adjustment." The Chief Justice added, "We came remarkably close, but will have to continue the effort in 2004."

Table 7. FY2004 Funding for the Judiciary

(all amounts in millions)

Court, Agency, or Program	FY2002 Enacted	FY2003 Enacted	FY2004 Admin. Request	FY2004 House	FY2004 Senate Rept'd	FY2004 Enacted
Supreme Court—salaries and expenses	$40.0	$47.0	$57.5	$55.4	$59.4	**$55.4**
Supreme Court—building and grounds	$77.5	$41.4	$4.7	$10.6	$4.7	**$10.6** [a]
U.S. Court of Appeals for the Federal Circuit	$19.3	$21.2	$22.4	$20.7	$20.7	**$20.7**
U.S. Court of International Trade	$13.1	$13.7	$14.2	$14.7	$13.2	**$14.1**
Courts of Appeals, District Courts, other judicial services—salaries and expenses	$3,607.8	$3,789.2	$4,188.4	$4,004.2	$3,894.0	**$3,994.2**
Vaccine Injury Act Trust Fund	$2.7	$2.8	$3.3	$3.3	$3.3	**$3.2**
Defender Services	$500.7	$552.2	$635.5	$613.9	$595.0	**$604.5**
Fees of Jurors and Commissioners	$48.1	$57.1	$53.2	$53.2	$53.2	**$57.8**
Court Security	$297.9	$266.7	$311.2	$288.9	$266.1	**$277.5**
Administrative Office of the U.S. Courts	$64.5	$63.1	$71.9	$67.0	$63.7	**$66.0**
Federal Judicial Center	$20.1	$20.7	$21.7	$21.4	$22.4	**$21.4**
Retirement Funds	$37.0	$35.3	$29.0	$29.0	$29.0	**$29.0**
U.S. Sentencing Commission	$11.6	$12.0	$13.2	$12.7	$12.0	**$12.4**
General Provisions—Judges' Pay Raise	—	—	$4.0	—	$40.0	**—**
Title III Total:	**$4,740.4**	**$4,922.2**	**$5,430.0**	**$5,194.4**	**$5,076.7**	**$5,166.6**

Source: U.S. House of Representatives, Committee on Appropriations.

a. In addition to $10.6. million appropriated to this account within the Judiciary title of the FY2004 Consolidated Appropriations Act (P.L. 108-199), $16.0 million was transferred to this account from Division H, Section 106 of the Act..

Related Legislation

P.L. 108-167/H.R. 3349 (Sensenbrenner)

To authorize salary adjustments for justices and judges of the United States for fiscal year 2004. Authorizes salary adjustments for U.S. justices and judges for FY 2004 concurrently with increases in the General Schedule of compensation for federal employees. Introduced in House on Oct. 20, 2003. Passed House by voice vote, Nov. 5, 2003. Agreed to by Senate, by unanimous consent, on Nov. 21, 2003. Signed by President into law, Dec. 6, 2003.

S. 1023 (Hatch)

A bill to increase the annual salaries of justices and judges of the United States. Provides for a 16.5% pay increase to federal justices and judges. Introduced May 7, 2003. Reported favorably by the Senate Judiciary Committee on June 18, 2003, without written report.

H.R. 2118 (Hyde)

Companion bill to S. 1023. Introduced and referred to House Judiciary Committee on May 15, 2003. Referred to Subcommittee on Courts, the Internet, and Intellectual Property on June 25, 2003.

Related CRS Products

CRS Report 98-527, *Federal Courthouse Construction,* by Stephanie Smith.

CRS Report RS21689, *Federal Pay—Status of January 2004 Adjustments: A Fact Sheet*, by Sharon S. Gressle.

CRS Report RS20278, *Judicial Salary-Setting Policy*, by Sharon S. Gressle.

CRS Report 98-53GOV, *Salaries of Federal Officials: A Fact Sheet*, by Sharon S. Gressle.

State and International Broadcasting

Background

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 supports the activities of more than 50 U.S. agencies and organizations operating at 257 posts in 180 countries. As covered in Title IV, the State Department funding categories include *administration of foreign affairs*, *international operations*, *international commissions*, and *related appropriations*. The enacted FY2003 appropriation for Title IV was $7.645 billion. Typically, more than half of State's budget is for Administration of Foreign Affairs (about 78% in FY2003), which consists of salaries and expenses, diplomatic security, diplomatic and consular programs, technology, and security/maintenance of overseas buildings.

The Foreign Relations Authorization for FY1998-1999 (P.L. 105-277) provided for the consolidation of the foreign policy agencies. As of the end of FY1999, the Arms Control and Disarmament Agency (ACDA) and the United States Information Agency (USIA) were abolished, and their budgets and functions were merged into the Department of State.

Security issues have remained a top priority since the August 7, 1998 terrorist attacks on two U.S. embassies in Africa. An immediate response was a $1.56 billion supplemental enacted by the end of that year. In November 1999, the Overseas Presence Advisory Panel reported its findings on embassy security needs and recommendations. Also in November 1999, Congress authorized (P.L. 106-113) $900 million annually for FY2000 through FY2004 for embassy security spending within the **embassy security, construction and maintenance** (ESCM) account, in addition to worldwide security funds in the **diplomatic and consular programs** (D&CP) account.

After the September 11, 2001 terrorist attack, Congress passed emergency supplemental funds (P.L. 107-38 and P.L. 107-117) which included a total of $254.9 million for counter-terrorist and emergency response activities within the Department of State and $47.9 million for international broadcasting. In addition, Congress passed an FY2002 supplemental (H.R. 4775; H.Rept. 107-593) which provided $303 million for the Department of State and $15.1 million for international

broadcasting. (For an account-by-account presentation, see CRS Report RL31370, *State Department and Related Agencies: FY2003 Appropriations*.)

The United States contributes in two ways to the United Nations and other international organizations: (1) voluntary payments funded in the Foreign Operations Appropriations bill and (2) assessed contributions included in the Commerce, Justice, and State Appropriations measure. Assessed contributions are provided in two accounts, **international peacekeeping** (CIPA) and **contributions to international organizations** (CIO). Following a period of dramatic growth in the number and costs of U.N. peacekeeping missions during the early 1990s, a trend that peaked in FY1994 with a $1.1 billion appropriation, funding requirements have declined in recent years. The FY2000 enacted appropriation for CIO was $885 million, $500 million for international peacekeeping, and $351 million for U.S. arrearage payments to the U.N. if certain reform criteria were met. Only $100 million of the appropriated arrearage payments had been released because the reforms had not been implemented. After the United States lost its seat on the U.N. Human Rights Commission in 2001, the Foreign Relations Authorization bill added a provision (Sec. 601, H.R. 1646) that would have restricted payment of $244 million of U.S. arrearage payments to the U.N. until the United States regained its seat. After the September 11th attacks, however, Congress passed S. 248 (P.L. 107-46) which authorized arrearage payments to the U.N. (For more detail, see CRS Issue Brief IB86116, *U.N. System Funding: Congressional Issues*, by Vita Bite). The FY2002 funding level included $850 million for CIO and $844.1 million for CIPA, while FY2003 enacted levels amounted to $866 million for CIO and $673.7 million for CIPA.

International broadcasting, which had been a primary function of the USIA prior to 1999, is now carried out by an independent agency referred to as the Broadcasting Board of Governors (BBG). The BBG includes the Voice of America (VOA), Radio Free Europe/Radio Liberty (RFE/RL), Cuba Broadcasting, Radio Free Asia (RFA), Radio Free Iraq, Radio Free Iran and the newly-authorized Radio Free Afghanistan. The BBG's FY2003 appropriation was $553.8 million. In FY2002 the BBG began a pilot project to create a new Middle East Radio Network (MERN) by reallocating base funds. The emergency supplementals passed in 2001 and 2002 included funding for expanded broadcasting by VOA and RFE/RL to Muslim audiences in and around Afghanistan and the creation of Radio Free Afghanistan.

FY2004 Funding Issues

The Administration of Foreign Affairs

The administration of foreign affairs makes up the bulk of the State Department budget—80% in the FY2004 request. The Administration requested $6,387.9 million for FY2004, 6.7% above the FY2003 level. This money would have funded Diplomatic & Consular Programs (D&CP), Embassy Security, Construction, and Maintenance (ESCM), Worldwide Security Upgrades in both D&CP and ESCM, Educational and Cultural Exchanges, and the Capital Investment Fund (CIF). The House Appropriations Committee recommended $6,186.4 million, about $200 million below the President's request. The House passed this amount in H.R. 2799 on July 23, 2003. The Senate Appropriations Committee introduced and reported it's bill (S. 1585) out of committee on September 4, 2003 recommending $5,958.1 million for Administration of Foreign Affairs.

The enacted FY2004 funding in the Consolidated Appropriations Act (P.L. 108-199) provides $6,104.8 million for the Administration of Foreign Affairs. Additionally, the Act contains two rescissions: one (.465%) in the general provisions of CJS for all discretionary accounts within CJS, and another (.59%) in the general provisions of the omnibus bill to be applied across-the-board.

Diplomatic & Consular Programs (D&CP) . D&CP primarily covers salaries and expenses, hiring, diplomatic expenditures, cost of living and foreign inflation, as well as exchange rate changes. The FY2004 request of $4,163.5 million would have been an increase of 6.8% over the $3,895.8 million funding level in FY2003. The House Appropriations Committee recommended $4,099.9 million for D&CP's FY2004 funding level, including $646.7million for worldwide security upgrades. The House passed the bill with this level of funding. The Senate Committee recommended $3,874.8 million for D&CP, including $594.4 million for worldwide security upgrades. The final enacted funding level is $4,106.7 million for D&CP, including $301.6 million designated only for public diplomacy and $646.7 million for worldwide security upgrades. The conferees also encourage more progress on "right-sizing" overseas posts.

Embassy, Security, Construction, and Maintenance (ESCM) . ESCM provides funding for embassy construction, repairs, leasing of property for embassies and housing facilities at overseas posts. The FY2004 request of $653 million was virtually the same as the combined regular and supplemental funding for FY2003. The House Appropriations Committee recommended $532.9 million, about $120 million below the President's request for FY2004. The House passed this funding level. The Senate committee recommended $483.5 million—$169.5 million below the current year estimate and the Administration request for FY2004. The enacted appropriation provides $530 million for regular ESCM—similar to the House-passed level.

Worldwide Security Upgrades . Ever since the bombings of two U.S. embassies in eastern Africa in August 1998, Congress has appropriated additional money within both D&CP and ESCM for increasing security. The funds in D&CP for worldwide security upgrades are primarily for ongoing expenses due to the upgrades that took place after 1998, such as maintaining computer security, maintaining bullet-proof vehicles, ongoing salaries for perimeter guards, etc. Worldwide security upgrades in ESCM are more on the order of bricks and mortar-type expenses. The FY2004 request for upgrades within D&CP were $646.7 million, approximately the same as the regular and supplemental funding provided in FY2003. The FY2004 request for worldwide security funding within ESCM amounted to $861.4 million, about a 4% decline from the FY2003 regular and supplemental appropriation. The House level was identical to the President's request. The Senate committee recommended $594.4 million within the D&CP account and $933.1 million within the ESCM account—$71.7 million higher than both the Administration request and the House-passed level. The Consolidated Appropriation Act contains $861.4 million—identical to the President's request and the House-passed level.

Educational and Cultural Exchanges . This line item includes programs such as the Fulbright, Muskie, and Humphrey academic exchanges, as well as the international visitor exchanges and some Freedom Support Act programs. The Secretary of State has testified that he believes exchange programs are a crucial element in promoting American ideals and democracy abroad. The Administration's FY2004 request of $345.3 million included transferring $100 million for Freedom Support Act (FSA) and Support for Eastern European Democracy (SEED) programs from the U.S. Agency for International Development (USAID) budget (within the Foreign Operations appropriation) to the State Department budget. With that in mind, the $245.3 million remaining in the FY2004 funding request for exchanges represented a straight line request from the previous-year's enacted level of $243.7 million. The House Committee recommendation, which was passed by the House, was identical to the President's FY2004 request. The Senate Appropriations Committee recommendation of $255.3 million for this account did not include transferring $100 million from USAID. The enacted level is $320.0 million for exchanges, including FSA and SEED exchanges.

Capital Investment Fund (CIF) . CIF was established by the Foreign Relations Authorization Act of FY1994/95 (P.L. 103-236) to provide for purchasing information technology and capital

equipment which would ensure the efficient management, coordination, operation, and utilization of State's resources. As recently as FY1997 the CIF budget was $24.6 million. The FY2004 request was for $157 million, a 13.7% decline from the FY2003 level of $182.1 million. The Administration stated that the requested level would be sufficient when combined with estimated Expedited Passport Fees of $114 million to be used for information and communications technology in FY2004. The House Appropriations Committee recommended $142 million—slightly less than the President's request. The House passed the bill with this funding level. The Senate committee recommended $207 million for CIF. Both House and Senate reports noted that $114 million will be available to CIF from expedited passport fee collections. The Consolidated Appropriations Act provides $80 million for CIF. Noted in the conference report is $40 million that is included in the D&CP account for technology referred to as OpenNet.

International Organizations and Conferences

The International Organizations and Conferences account consists of two line items: U.S. Contributions to International Organizations (CIO) and U.S. Contributions for International Peacekeeping Activities (CIPA). The FY2004 request was $1.6 billion for the overall account, up 2% over the FY2003 level of $1.5 billion. The House Appropriations Committee recommendation was identical to the President's request. The House passed the committee-recommended level. The Senate committee recommended $1.4 billion overall. The final enacted level is $1.465 billion.

Contributions to International Organizations (CIO) . The CIO supports U.S. membership in numerous international and multilateral organizations that transcends bilateral relationships and covers issues such as human rights, environment, trade, and security. The FY2004 request level for this line item was $1.0 billion, 17.4% above the $860.4 level of FY2003. According to the Administration, $71 million of the increase was for the U.S. rejoining UNESCO after withdrawing from it in 1984, and $61.4 million represented an increase in regular contributions to the U.N. The House bill contained $1.0 billion for CIO, including $71 million for rejoining UNESCO. The Senate Appropriations Committee recommended $928.9 million for CIO with no funding for either the U.N. Human Rights Commission or for membership in UNESCO. The Act provides $1.0 billion, the same as the House and the President's request.

Contributions to International Peacekeeping (CIPA) . The United States supports multilateral peacekeeping efforts around the world through payment of its share of the U.N. assessed peacekeeping budget. The FY2003 enacted level for CIPA was $669.3 million. The President's FY2004 request of $550.2 million was a 17.8% decline. The Administration explained that the request reflected a lower U.N. peacekeeping assessment rate, as well as plans for downsizing peacekeeping missions in Sierra Leone and East Timor. The House bill equaled the Administration's request of $550.2 million. The Senate committee recommended $482.6 million. The FY2004 enacted level for CIPA is $454.8 million. In addition, CIPA received $245 million within the FY2004 emergency supplemental appropriation (P.L. 108-106) signed Nov. 6, 2003.

International Commissions

The International Commissions account includes the U.S.-Mexico Boundary and Water Commission, the International Fisheries Commissions, the International Boundary Commission, the International Joint Commission, and the Border Environment Cooperation Commission. The FY2004 funding request of $71.7 million represented an increase of 25.5% over the $57.1 million enacted in FY2003. The increase reflected wage and price increases, as well as increased operation and maintenance needs in all commissions. The House Appropriations Committee recommended $57.1 million–20% below the President's request. The House passed the bill with

committee-recommended level. The Senate Appropriations Committee recommended $47.5 million. Congress passed $57.8 million for this State Department account.

Related Appropriations

Related appropriations include those for The Asia Foundation, the National Endowment for Democracy (NED), and East-West and North-South Centers. The Administration FY2004 request for related appropriations totaled $60.4 million. The House bill (H.R. 2799) level was $53.3 million. The Senate Appropriations Committee level was $62.9 million. The FY2004 enacted level is $78.8 million.

The Asia Foundation . 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. It receives both government and private sector contributions. Government funds for the Foundation are appropriated, and pass through, the Department of State. The FY2004 request of $9.3 million equaled the FY2002 funding level, but was 11% lower than the FY2003 enacted level of $10.4 million. The Bush Administration said that The Asia Foundation expects to increase its private sector contributions in FY2004. The House Appropriations Committee recommended, and the full House passed, $10.4 million—slightly more than the President's request. The Senate committee recommended no funding for the Asia Foundation for FY2004. The FY2004 enacted funding is $13.0 million.

National Endowment for Democracy (NED) . Established during the Reagan Administration, the National Endowment for Democracy is a private, nonprofit organization that supports programs to strengthen democratic institutions in more than 90 countries around the world. NED proponents assert that many of its accomplishments are possible because it is not a U.S. government agency. NED's critics claim that it duplicates government democracy promotion programs and could be eliminated or operated entirely through private sector funding. The FY2004 request was $36 million, up from the FY2002 level of $33.5 million, but a 14% reduction over the FY2003 level of $41.7 million. The House Appropriations Committee recommended $42 million—$6 million more than the President's request for FY2004. The House passed the bill with this level of funding. The Senate committee recommended $36 million. Congress enacted $40 million for NED in FY2004.

International Broadcasting

International Broadcasting, which had been a primary function of the U.S. Information Agency (USIA) prior to 1999, is now carried out by an independent agency referred to as the Broadcasting Board of Governors (BBG). The BBG includes the Voice of America (VOA), Radio Free Europe/Radio Liberty (RFE/RL), Cuba Broadcasting, and Radio Free Asia (RFA). The BBG's FY2004 funding request amounted to a total of $563.5 million, 5.6% above the FY2003 level of $553.8 million. The funding request included $525.2 million for broadcasting operations, $11.4 million for capital improvements, and $26.9 million for Broadcasting to Cuba. In addition to the ongoing international broadcasting activities, the Administration proposed the creation of a new U.S. Middle East Television Network.

The House passed the same funding level as the request for international broadcasting. The Senate Appropriations Committee reported out its bill (S. 1585, S.Rept. 108-144) with $557.6 million for broadcasting—$518.1 million for broadcasting operations, $28.1 million for Broadcasting to Cuba, and $11.9 million for capital improvements. The enacted level for FY2004 is $557.4 million, with $11.4 million going to Capital Improvements and $546 million to Broadcasting Operations. The conferees expect that $1 million will go toward a pilot program on

using Internet technologies to overcome broadcast jamming in China and $1.2 million for alternative means of transmission of information, including use of the Internet, in Cuba.

Table 8. FY2004 Funding for the Department of State and International Broadcasting

($$millions in budget authority)

Bureau or Agency	FY2002 Enacted	FY2003 Enacted	FY2004 Admin. Request	FY2004 House Passed	FY2004 Senate Report	FY2004 Enacted [b]
Administration of Foreign Affairs	$5,549.2	$5,987.1	$6,387.9	$6,186.4	$5,958.1	$6,104.8
International Organizations and Conferences	$1,694.1	$1,529.7	$1,560.7	$1,560.7	$1,404.5	$1,465.3
International Commissions	$60.5	$57.1	$71.7	$57.1	$47.5	$57.8
Related Appropriations	$57.7	$70.9	$60.4	$53.2	$62.9	$78.8
Subtotal: State Department a	*$7,361.5*	*$7,644.8*	*$8,080.7*	*$7,857.4*	*$7,473.0*	*$7,706.7*
International Broadcasting	$479.0	$533.8	$563.2	$563.5	$557.6	$557.4
Title IV Total	**$7,840.5**	**$8,178.6**	**$8,643.9**	**$8,420.9**	**$8,030.6**	**$8,264.1**

Source: U.S. House of Representatives, Committee on Appropriations.

a. In addition to appropriations, State has authority to spend certain collected fees from machine readable visas, expedited export fees, etc. The amount for such fees for FY2002 is $516.9 million; for FY2003 the estimate is $623.3 million, and for FY2004–$687.467 million.

b. These numbers do not reflect either the .465% nor the .59% rescissions within the Consolidation Appropriations Act.

Related Legislation

H.R. 1950 (Hyde)/S. 925 (Lugar)

Foreign Relations Authorization, FY2004 and FY2005. To authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes. H.R. 1950 introduced May 5, 2003, and reported (H.Rept. 108-105 part I) by the House International Relations Committee on May 16, 2003. H.Rept 108-105, Part II filed June 12. House floor action occurred July 15, and 16. House passed by recorded vote (382-42) on July 16, 2003. S. 925 introduced April 24, 2003, and reported (S.Rept. 108-39) to the Senate on the same day. Senate floor action occurred July 9th and 10th.

S. 1161 (Lugar)

Foreign Assistance Authorization, FY2004. To authorize appropriations for foreign assistance for FY2004. Introduced May 29, 2003, and reported (S.Rept. 108-56) to the Senate the same day.

Related CRS Products

CRS Report RL31986, *Foreign Relations Authorization, FY2004: State Department, The Millennium Challenge Account, and Foreign Assistance*, by Susan B. Epstein.

CRS Report RL31370, *State Department and Related Agencies: FY2003 Appropriations and FY2004 Request*, by Susan B. Epstein.

CRS Issue Brief IB86116, *U.N. System Funding: Congressional Issues*, by Vita Bite.

Independent Agencies

Equal Employment Opportunity Commission (EEOC)

FY2004 Appropriations

According to the conference report (H.Rept. 108-401) on the omnibus appropriations bill (H.R. 2673), the EEOC's appropriation for FY2004 is $328.4 million. (This is subject to a 0.59% across-the-board rescission.) The House previously had approved the same sum. The Senate had approved $6.3 million more ($334.7 million) in accordance with the Administration's request.

The $328.4 million appropriation for FY2004 is almost $21.6 million more than the $306.8 million (including the across-the-board rescission) Congress approved for the agency in P.L. 108-7, the FY2003 appropriations law. Because of a funding shortfall during the year, the Commission received an additional appropriation of $15 million in the Emergency Wartime Supplemental Appropriations Act for FY2003 (P.L. 108-11). Accordingly, the omnibus bill's funding level for FY2004 is $6.6 million above the total appropriated to the EEOC for the prior year.

While recognizing that the Commission has solicited the different perspectives of stakeholders about its proposed restructuring effort, the conferees expressed concern that the restructuring could affect the agency's quality of service. Accordingly, it instructed the EEOC to keep the Committees on Appropriations apprized of any organizational changes in accordance with reprogramming requirements. The conferees also urged the agency to continue its commendable measures aimed at cost saving and financial management discipline. The conference agreement includes, by reference, language in the House report instructing the EEOC to continue submitting quarterly reports on projected and actual spending and staffing levels. It similarly adopts, by reference, language in the House report about Alternative Dispute Resolutions (ADR) programs, namely, encouragement of the EEOC to rely on the experience of Fair Employment Practices Agencies (FEPAs) with mediation as the Commission goes forward with its ADR programs in order to reduce the average processing time of charges. (FEPAs are state and local bodies with which the agency has work-sharing agreements. Also included by reference to the House report may be payment of $33.0 million to FEPAs; the Senate report was silent on this matter.)

Of the $334.7 million in appropriations for the EEOC that the President requested for FY2004, $30.0 million would have been provided to FEPAs. Another $5 million of the total would have gone toward beginning implementation of a 5-year restructuring initiative based upon studies undertaken by the National Academy of Public Administration and by the agency's Inspector General.

Agency Overview

The EEOC enforces laws banning employment discrimination based on race, color, national origin, sex, age, or disability. The Commission's workload has increased dramatically since it was created under Title VII of the Civil Rights Act of 1964. Passage of the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991, as well as employees' growing awareness of their rights, have made it difficult for the agency's budget and staffing resources to keep pace with its heightened caseload.

FY2003 Funding

The President's budget request of $323.5 million for the EEOC for FY2003 included $14.7 million to fund the agency's full share of federal employee retirement costs as part of the Administration's government-wide proposal. Without this expense, the FY2003 budget request was $308.8 million.

The 108th Congress approved the smaller figure in P.L. 108-7. After taking into account the across-the-board rescission, the FY2003 appropriation was $306.8 million. This is $3.4 million less than the FY2002 appropriation of $310.2 million (including that year's rescission) and $16.7 million less than the Administration's FY2003 budget request.

As a reflection of the importance Congress places on the work of FEPAs, it directed that $33.0 million of the Commission's FY2003 appropriation (rather than the $30.0 million in the Administration's proposal) be directed toward their funding. The higher allocation allowed for a contract rate of $500 per charge.

The conferees to the FY2003 CJS appropriations bill expressed concern about the lack of sound managerial and fiscal practices that led to the possibility of a budget shortfall for the year and instructed the Commission to prevent this eventuality through savings in salary expenses and other operational costs. They further required the EEOC to submit to the Appropriations Committees, within 60 days of the bill's enactment in February 2003, a financial plan including steps the Commission would take to stay within its FY2003 appropriation level. As noted above, however, Congress approved an additional $15 million for the EEOC to avoid furloughs during the fiscal year. (The funds could be used to pursue employee buyouts.) Again expressing concern about the agency's managerial and fiscal practices that allowed this situation to develop, the conferees to the supplemental appropriations bill required the EEOC to submit quarterly reports (including projected and actual spending and staffing levels) to the Appropriations Committees (H.Rept. 108-76).

Federal Communications Commission (FCC)

The Federal Communications Commission, created in 1934, is an independent agency charged with regulating interstate and foreign radio, television, wire, cable, and satellite communications. The FCC performs four major functions: spectrum allocation, creating rules to promote fair competition and protect consumers where required by market conditions, authorization of service, and enforcement. Among its responsibilities are licensing of communications operators; interpretation and enforcement of rules, regulations, and authorizations regarding competition; publication and dissemination of consumer information services; and management and allocation of the use of the electromagnetic spectrum.

P.L. 108-199 includes $273,958,000 for the salaries and expenses of the FCC for FY 2004. Of the amounts provided, $272,958,000 will be derived from offsetting fee collections, resulting in a net direct appropriation of $1,000,000. The FCC is allocated up to $85,000,000 to administer the spectrum auctions program. The following additional provisions were also included:

- Increases the broadcast-ownership cap for national audience reach from 35 to 39 percent. Originally, both the House and Senate bills included amendments that would have restored the 35 percent broadcast ownership cap, which was increased to 45 percent by the FCC in June 2003. The 39 percent figure was a compromise with the White House, which promised to veto the Omnibus bill if the limit was not raised.

- Requires that the FCC expend for enforcement in FY2004 an amount equal to or greater than the amount expended for enforcement in FY2003. In FY2003, the FCC expended $66,170,000 on enforcement activities (excluding $1,776,000 associated with one time equipment purchases and the relocation of a remote facility in Alaska).
- References language included in the House and Senate reports expressing concern about the declining standards of broadcast television and the impact that decline is having on America's children. More specifically, the FCC was directed to continue to report to Congress on issues associated with "resurrecting a broadcast industry code of conduct for programming content."
- References language in he Senate report requiring audits of the Universal Service Fund (USF) (including the E-Rate program) be drawn from USF funds rather than Office of Inspector General funds.
- References language expressing pleasure at the FCC's development of wireless portability requirements.

Federal Trade Commission (FTC)

For FY2004, the Administration requested a program level of $191 million for the FTC, an increase of $14 million over the FY2003 level. The requested program level for FY2004 was to have been fully funded by a $14 million direct appropriation and offsetting collections from two sources: $159 million from fees for Hart-Scott-Rodino premerger notification filings; and $18 million from fees sufficient to implement and enforce new Do-Not-Call provisions of the Telemarketing Sales Rule. The House approved a program level of $183 million for the FTC. The Senate recommended a program level of $189 million. Congress enacted $186 million for the FTC. Of the amounts provided, $112 million is from premerger fees, $23.1 million is derived from Do-Not-Call fees, and $50.9 million is a direct appropriation.

The FTC, an independent agency, is responsible for enforcing a number of federal antitrust and consumer protection laws. In recent years the FTC has used pre-merger filing fees collected under the Hart-Scott-Rodino Act to mostly or entirely fund its operations. For FY2000 through FY2002, zero ($0) direct appropriations were required. For FY2003, the President's budget requested $171.6 million for the agency, an increase of approximately $15.6 million more than the FTC received for FY2002. The conference agreement provided the FTC with an FY2003 program level of $176.6 million; with offsetting fee collections, the agency received a final direct appropriation of $8.5 million.

Legal Services Corporation (LSC)

The LSC 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 incorporation 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.

P.L. 108-7, the consolidated appropriations for FY2003, among other things increased the LSC funding by $9.5 million to $338.8 million to offset decennial Census funding reallocations. The additional $9.5 million is to provide supplemental funding for states that were scheduled to

receive less funding for FY2003 than the state received in FY2002 because of the use of data from the 2000 Census which showed a shift in state poverty populations. The FY2003 appropriation for the LSC included $310 million for basic field programs and required independent audits of those programs, $13.3 million for management and administration, $3.4 million for client self-help and information technology, and $2.6 million for the inspector general. The FY2003 appropriation also included prior provisions restricting the activities of LSC grantees. The $338.8 million LSC appropriation for FY2003 is subject to the mandated 0.65% across-the-board government-wide rescission, which reduced the LSC appropriation to $336.6 million for FY2003. Current funding still remains below the Corporation's highest level of $400 million in FY1994 and FY1995.

For FY2004, the Bush Administration requested $329.3 million for the LSC. This is $7.3 million less than the $336.6 million (after the rescission) that was appropriated for the LSC for FY2003. The FY2004 budget request for the LSC includes $310 million for basic field programs and required independent audits, $14.5 million for management and administration, $2.2 million for client self-help and information technology, and $2.6 million for the inspector general. The budget request for the LSC also includes existing provisions restricting the activities of LSC grantees.

On July 16, 2003, the House Appropriations Committee recommended a total of $338.8 million for the LSC for FY2004. This is $2.2 million above the FY2003 appropriation for LSC (the same amount as the original FY2003 appropriation before the 0.65% rescission); and $9.5 million above the Bush Administration's FY2004 budget request for the LSC. The FY2004 House Committee recommendation for the LSC includes $319.5 million for basic field programs and required independent audits, $13.3 million for management and administration, $3.4 million for client self-help and information technology, and $2.6 million for the inspector general. The Committee recommendation also includes existing provisions restricting the activities of LSC grantees. The full House approved the CJS bill, H.R. 2799, on July 23, 2003 with no changes to the Committee recommendation for the LSC.

On September 5, 2003, the Senate Appropriations Committee also recommended $338.8 million for the LSC for FY2004 (S.Rept. 108-144). The Senate Committee recommendation for the LSC includes $312.3 million for basic field programs and required independent audits, $13.9 million for management and administration, $3.4 million for client self-help and information technology, $2.6 million for the inspector general, and $6.7 million for grants to offset losses due to census adjustments. It also includes existing provisions restricting the activities of LSC grantees.

On December 8, 2003, the House passed H.R. 2673, the conference report (H.Rept. 108-401) on a consolidated appropriations bill. The conference agreement includes $338,848,000 for the LSC, as proposed in both the House and Senate bills. The conference report includes $317.5 million for basic field programs and required independent audits, $13.3 million for management and administration, $3.0 million for client self-help and information technology, $2.6 million for the inspector general, and $2.5 million in grants to offset losses stemming from the recent census-based reallocations. It also includes existing provisions restricting the activities of LSC grantees. Moreover, H.R. 2673 authorizes a 0.59% across-the-board government-wide rescission and an additional 0.465% uniform rescission applicable only to funding for the Commerce, Justice, State, and Related Agencies appropriation (which includes the LSC), thereby lowering the FY2004 LSC appropriation to $335.3 million. The Senate passed H.R. 2673 on January 22, 2004. H.R. 2673 was signed into law (P.L. 108-199) on January 23, 2004.

Securities and Exchange Commission (SEC)

The SEC administers and enforces federal securities laws to protect investors and maintain fair and orderly stock and bond markets. The SEC collects fees on various securities market transactions. During the stock market boom of the 1990s, these collections exceeded the agency's budget by a wide margin. Legislation passed by the 107th Congress (P.L. 107-123) reduced these fees, with the intention of limiting collections to approximately the amount of the SEC's budget.

For FY2003, the Administration requested $466.9 million for the SEC, an increase of 6.6% over FY2002. In the wake of Enron and other corporate accounting scandals, broad support emerged in Congress for a much larger increase in the SEC's budget. The Sarbanes-Oxley accounting reform legislation (P.L. 107-204) authorized FY2003 appropriations of $775.0 million. The 107th Congress Senate Appropriations Committee approved $750.5 million, 60% more than the Administration requested. The conference approved $716.35 million.

For FY2004, the Administration requested $841.5 million for the SEC. The House and Senate Appropriations Committees each approved that amount.

Congress reduced the amount requested by the Administration and approved by both chambers by $30 million, to $811.5 million. The conference report cited the SEC's inability to fill all the positions funded by the previous year's appropriation as the reason for the reduction. P.L. 108-199, the omnibus appropriations measure, approves the $811.5 million. Of the total, $691.5 million is to come from fee collections, and $120 million from prior year unobligated balances.

Small Business Administration (SBA)

For FY2004, the Administration had requested a total appropriation of $801 million for the SBA, an increase of $69 million or 9.4% over the agency's FY2003 funding. The FY2004 request included $360 million for Salaries and Expenses (S&E), an increase of approximately $48 million or 13% more than SBA received for FY2003. The House approved $745.6 million for the SBA, which would have been roughly a 1.9% increase over the FY2003 amount. The House-approved version included $326.6 million for S&E, about $33.6 million below the Administration request. The Senate Appropriations Committee recommended $751.7 million for the agency, including $332.4 million for S&E. Congress appropriated $718.3 million for FY2004, or $18.2 million less than SBA received for FY2003.

For FY2003, the President requested a total appropriation of $783 million for SBA, including $352 million for S&E. The conference agreement provides SBA with a total appropriation of $736.5 million, including $314 million for S&E.

The SBA is an independent federal agency created by the Small Business Act of 1953. Although the agency administers a number of programs intended to assist small firms, arguably its three most important functions are to guarantee—principally through the agency's Section 7(a) general business loan program—business loans made by banks and other financial institutions; to make long-term, low-interest loans to small businesses that are victims of hurricanes, earthquakes, other physical disasters, and acts of terrorism; and to serve as an advocate for small business within the federal government.

State Justice Institute (SJI)

The institute is a private, nonprofit corporation that makes grants to state courts and conducts activities to further the development of judicial administration in state courts throughout the United States. Under the terms of its enabling legislation, SJI is authorized to present its request

directly to Congress, apart from the President's budget. For FY2004, the SJI requested $8 million, compared with $3 million appropriated to it for FY2003. For its part, the President's FY2004 budget proposed nothing for SJI. Subsequently, the House, in passing its FY2004 CJS appropriations bill, provided $3 million for SJI. The Senate Appropriations Committee recommended a $5 million appropriation. However, in its report, the Senate committee (at S.Rept. 108-144, p. 178) earmarked all of the $5 million for specified state projects, reserving no funds for salaries of SJI staff or for discretionary grants by the Institute. The Consolidated Appropriations Act for FY2004 (P.L. 108-199), signed into law by the President on January 23, 2004, provides $2.25 million for the Institute, with none of the funding earmarked.

In the FY2002 annual appropriations cycle, Congress had scaled back the Institute's funding significantly, approving $3.0 million, instead of $6.835 million and $6.2 million approved earlier by the House and Senate respectively. The action to reduce SJI funding occurred at the conference committee stage. In their report, the FY2002 conferees stated that the $3.0 million appropriated for the SJI was "available for fiscal year 2002 only" and that the conferees did not recommend continued federal support for the institute beyond FY2002. "The termination of funding for this program," the report explained, "does not necessarily mean the dissolution of the Institute." The conferees encouraged the institute to solicit private donations and resources from state and local agencies. Conferees for the FY2003 omnibus funding bill, however, noted (in H.Rept. 108-10) that SJI had "not been successful in its efforts to obtain non-Federal funds"; the conferees, therefore, had included $3 million "to keep SJI operating." At the same time, the conferees encouraged SJI to continue to solicit donations from state, local, and national bar associations.

In its recommendations for FY2004, the House Appropriations Committee (at H.Rept. 108-221, p. 156), said it understood that the Institute had continued to contact bar associations and State court organizations. While "these organizations support SJI, and enjoy grant funding and services from SJI," the committee said, "they are not inclined to contribute to operations of the SJI beyond matching grant funding for individual projects." The House committee encouraged SJI to apply for funding from the Office of Justice Programs (OJP) in the Department of Justice, noting that a variety of grant programs to assist State courts exist within OJP. In a similar vein, conferees for the Consolidated Appropriations Act for FY2004 (at H.Rept. 108-401, at p. 642) encouraged SJI "to work with the Office of Justice Programs on issues involving State courts" and "to apply for funding under OJP grant programs that support State court programs."

Earlier, in November 2002, the Attorney General, as mandated by P.L. 107-179, transmitted to the House and Senate Judiciary Committees a report on the effectiveness of the institute in carrying out its statutory duties. The report concluded by stating, among other things, that SJI appeared "to have been effective in awarding grants to improve the quality of justice in the state courts, facilitating better coordination and information sharing between state and federal courts, and fostering solutions to common problems faced by all courts." (See *Report [of the Attorney General] on the State Justice Institute Pursuant to Public Law 107-179*, transmitted November 2002 to the Committee on Judiciary, U.S. Senate, and Committee on the Judiciary, U.S. House of Representatives, available at:http://www.statejustice.org/attorney_general_evaluation.htm.)

Commission on Civil Rights

For FY2004, the Administration requested roughly $9.1 million. This amount was roughly $59,000 more than the FY2003 appropriation of 9.04 million. The House Appropriations Committee also recommended $9.1 million, which was approved by the full House on July 23, 2003. The Senate Appropriations Committee legislation would have matched the Administration request. The FY2004 enacted funding level is $9.1 million.

U.S. Commission on International Religious Freedom

The Administration requested $3 million for the commission in FY2004. This amount is $135,000 more than the FY2003 amount of $2.865 million. The House CJS bill set funding at $3 million. The Senate Appropriations Committee recommended $2 million, which would be $875,000 less than its FY2003 amount. The enacted level for FY2004 equals the Administration request and House level of $3 million.

Table 9. FY2004 Funding for CJS Related Agencies

($ millions in budget authority)

Bureau or Agency	FY2002 Enacted	FY2003 Enacted	FY2004 Admin. Request	FY2004 House	FY2004 Senate Rept'd	Conf Rept HR2673
Commission on Civil Rights	$9.1	$9.0	$9.1	$9.1	$9.1	$9.1
U.S. Commission on International Religious Freedom	$3.0	$2.9	$3.0	$3.0	$2.0	$3.0
Equal Employment Opportunity Commission (EEOC)	$311.7	$321.8	$334.8	$328.4	$334.8	$328.4
Federal Communications Commission (FCC) [a]	$26.3	$2.0	$28.9	$10.0	$25.8	$1.0
Federal Trade Commission [b]	$0.0	$8.5	$61.1	$50.9	$59.0	$50.9
Legal Services Corporation	$329.3	$336.6	$329.3	$338.8	$338.8	$338.8
National Commission on Terrorist Attacks Upon the United States	—	$11.0	$0.0	$0.0	$0.0	$0.0
Securities and Exchange Commission[c]	$489.5	$716.4	$841.5	$738.5	$841.5	$691.5
Small Business Administration	$888.5	$731.7	$800.9	$745.6	$751.7	$718.3
State Justice Institute	$3.0	$3.0	$0.0 [d]	$3.0	$5.0	$2.3
Other [e]	$15.5	$10.4	$7.8	$9.3	$10.7	$14.0
Total Title V	**$2,075.9**	**$2,153.3**	**$2,424.3**	**$2,236.6**	**$2,378.5**	**$2,157.7**

Source: U.S. House of Representatives, Committee on Appropriations.

a. The FCC is partially funded by offsetting fee collections.

b. The FTC is fully funded by the collection of pre-merger filing fees.

c. The SEC is fully funded by transaction fees and securities registration fees.

d. Under the terms of its enabling legislation, the State Justice Institute (SJI) is authorized to present its budget request directly to Congress. While the President's FY2004 budget proposed nothing for SJI, the Institute requested $8.0 million for itself.

e. "Other" includes agencies receiving appropriations of $2.0 million or less in FY2002. These agencies include Commission for the Preservation of American Heritage Abroad; Commission on Security and Cooperation in Europe; Commission on Electronic Commerce; the Marine Mammal Commission, the Commission on Ocean Policy, the Congressional/Executive Commission on China, the National Veterans Business Development Corp, and the Pacific Charter Commission, and the U.S. Canada Alaska Rail Commission.

Appendix. Appropriations for the CJS Bill

($$ millions in budget authority)

Bureau or Agency	FY2002 Enacted	FY2003 Enacted	FY2004 Admin. Request	FY2004 House Passed	FY2004 Senate Reported	FY2004 Enacted
Title I: Department of Justice						
General Administration	$432.9	$1,281.4	$1,377.5	$1,321.5	$1,413.6	$1,330.6
Legal Activities	$3,513.5	$3,012.4	$3,199.9	$3,034.3	$3,058.7	$3,094.4
Interagency Law Enforcement	$338.6	$369.7	$541.8	$556.5	$966.8	$556.5
Federal Bureau of Investigation	$4,279.9	$4,583.2	$4,639.6	$4,639.6	$3,930.8	$4,639.6
Drug Enforcement Administration	$1,481.8	$1,550.8	$1,558.7	$1,601.3	$1,512.3	$1,601.3
Immigration and Naturalization Service[a]	$4,084.3	N/A	N/A	N/A	N/A	N/A
Alcohol, Tobacco and Firearms	N/A	$801.2	$852.0	$831.2	$829.6	$836.1
Federal Prison System	$4,620.6	$4,444.8	$4,492.7	$4,667.5	$4,222.0	$4,862.4
Office of Justice Programs	$4,943.8	$3,593.7	$2,331.2	$3,491.2	$2,630.6	$3,095.0
Other	$11.9	$10.4	$11.1	$10.6	$83.4	$26.2
Rescissions						($100.0)
Title I Total:	**$23,707.2**	**$19,647.6**	**$19,004.6**	**$20,153.8**	**$18,581.5**	**$19,942.1**
Title II: Department of Commerce and Related Agencies						
International Trade Administration	$345.5	$359.8	$395.1	$382.1	$372.1	$382.1
Bureau of Industry and Security	$70.6	$66.3	$78.2	$68.2	$73.1	$68.2
Economic Development Administration	$365.6	$318.7	$364.4	$318.7	$387.7	$318.7
Minority Business Development Agency	$28.4	$28.7	$29.5	$29.0	$28.7	$28.9
Economic and Statistical Analysis	$62.5	$71.7	$84.8	$75.0	$84.8	$75.0
Bureau of the Census	$479.5	$550.9	$662.0	$662.0	$550.9	$630.9
National Telecommunications and Information Administration	$81.3	$73.3	$21.4	$32.5	$85.5	$51.6
Patent and Trademark Office[b]	($1,127.5)	($1,182.0)	($1,395.1)	($1,238.7)	($1,217.5)	($1,222.5)
Technology Administration	$8.2	$9.8	$8.0	$7.8	$0.0	$6.4
National Institute of Standards and Technology	$684.8	$707.5	$496.8	$460.1	$845.0	$628.1
National Oceanic and Atmospheric Administration	$3,249.7	$3,235.7	$3,318.8	$3,054.5	$3,779.4	$3,740.6
Departmental Management	$63.0	$65.2	$80.6	$66.7	$65.8	$68.4

Bureau or Agency	FY2002 Enacted	FY2003 Enacted	FY2004 Admin. Request	FY2004 House Passed	FY2004 Senate Reported	FY2004 Enacted
Other						$8.1
Department of Commerce Subtotal:	*$5,739.0*	*$5,704.0*	*$5,718.6*	*$5,156.6*	*$6,273.9*	*$6,007.0*
U.S. Trade Representative	$30.1	$37.1	$37.0	$42.0	$37.0	$42.0
International Trade Commission	$51.4	$53.7	$58.3	$57.0	$58.3	$58.3
Related Agencies Subtotal:	$81.5	$91.7	$95.3	$99.0	$95.3	$100.3
Rescission						($100.0)
Title II Total:	**$5,804.5**	**$5,795.8**	**$5,813.8**	**$5,255.6**	**$6,369.2**	**$6,007.3**
Title III: Judiciary						
Supreme Court—salaries and expenses	$40.0	$47.0	$57.5	$55.4	$59.4	$55.4
Supreme Court—building and grounds	$77.5	$41.4	$4.7	$10.6	$4.7	$10.6
U.S. Court of Appeals for the Federal Circuit	$19.3	$21.2	$22.4	$20.7	$20.7	$20.7
U.S. Court of International Trade	$13.1	$13.7	$14.2	$14.7	$13.2	$14.1
Courts of Appeals, District Courts, other judicial services—salaries and expenses	$3,607.8	$3,789.2	$4,188.4	$4,004.2	$3,894.0	$3,994.2
Vaccine Injury Act Trust Fund	$2.7	$2.8	$3.3	$3.3	$3.3	$3.2
Defender Services	$500.7	$552.2	$635.5	$613.9	$595.0	$604.5
Fees of Jurors and Commissioners	$48.1	$57.1	$53.2	$53.2	$53.2	$57.8
Court Security	$297.9	$266.7	$311.2	$288.9	$266.1	$277.5
Administrative Office of the U.S. Courts	$64.5	$63.1	$71.9	$67.0	$63.7	$66.0
Federal Judicial Center	$20.1	$20.7	$21.7	$21.4	$22.4	$21.4
Retirement Funds	$37.0	$35.3	$29.0	$29.0	$29.0	$29.0
U.S. Sentencing Commission	$11.6	$12.0	$13.2	$12.7	$12.0	$12.4
General Provisions—Judges' Pay Raise	—[c]	—	$4.0	—	$40.0	—
Title III Total:	**$4,740.4**	**$4,922.2**	**$5,430.0**	**$5,194.4**	**$5,076.7**	**$5,166.6**
Title IV: Department of State						
Administration of Foreign Affairs	$5,549.2	$5,987.1	$6,387.9	$6,186.4	$5,958.1	$6,104.8

Bureau or Agency	FY2002 Enacted	FY2003 Enacted	FY2004 Admin. Request	FY2004 House Passed	FY2004 Senate Reported	FY2004 Enacted
International Organizations and Conferences	$1,694.1	$1,529.7	$1,560.7	$1,560.7	$1,404.5	$1,465.3
International Commissions	$60.5	$57.1	$71.7	$57.1	$47.5	$57.8
Related Appropriations	$57.7	$70.9	$60.4	$53.2	$63.2	$78.8
Subtotal: State Department[d]	*$7,361.5*	*$7,644.8*	*$8,080.7*	*$7,857.4*	*$7,473.0*	$7,706.7
International Broadcasting	$479.0	$533.8	$563.2	$563.5	$557.6	$557.4
Title IV Total	**$7,840.5**	**$8,178.6**	**$8,643.9**	**$8,420.9**	**$8,030.6**	**$8,264.1**
Title V: Independent Agencies						
Commission on Civil Rights	$9.1	$9.0	$9.1	$9.1	$9.1	$9.1
U.S. Commission on International Religious Freedom	$3.0	$2.9	$3.0	$3.0	$2.0	$3.0
Equal Employment Opportunity Commission (EEOC)	$311.7	$321.8	$334.8	$328.4	$334.8	$328.4
Federal Communications Commission (FCC)	$26.3	$2.0	$28.9	$10.0	$25.8	$1.0
Federal Trade Commission[e]	$0.0	$8.5	$61.1	$50.9	$59.0	$50.9
Legal Services Corporation	$329.3	$336.6	$329.3	$338.8	$338.8	$338.8
National Commission on Terrorist Attacks Upon the United States	—	$11.0	$0.0	$0.0	$0.0	$0.0
Securities and Exchange Commission[f]	$489.5	$716.4	$841.5	$738.5	$841.5	$691.5
Small Business Administration	$888.5	$731.7	$800.9	$745.6	$751.7	$718.3
State Justice Institute	$3.0	$3.0	$0.0[g]	$3.0	$5.0	$2.3
Other[h]	$15.5	$10.4	$7.8	$9.3	$10.7	$14.0
Total Title V	**$2,075.9**	**$2,153.3**	**$2,424.3**	**$2,236.6**	**$2,378.5**	**$2,157.7**
Title VII: Rescissions[i]						
Total Title VII Rescissions	($110.1)	($167.3)	($97.0)	($30.5)	($63.5)	($495.9)
Grand Total (in Bill)[j]	**$44,058.4**	**$40,497.8**	**$41,220.0**	**$41,230.8**	**$40,372.9**	**$41,041.9**

Source: U.S. House of Representatives, Committee on Appropriations.

a. The Homeland Security Act of 2002 (P.L. 107-396) transferred functions of the Justice Department's Immigration and Naturalization Service (INS) to the Department of Homeland Security.

b. The Patent and Trademark Office (PTO) is fully funded by user fees. The fees collected, but not obligated *during* the current year, are available for obligation in the following fiscal year, and *do not* count toward the appropriation totals. Only newly appropriated funds count toward the annual appropriation totals.

c. An FY2002 appropriation of $8.6 million for a cost-of-living increase in judicial salaries was apportioned among various Judiciary accounts.

d. In addition to appropriations, State has authority to spend certain collected fees from machine readable visas, expedited export fees, etc. The amount for such fees for FY2002 was $516.9 million; for FY2003 the estimate is $739.6 million.

e. The FTC is fully funded by the collection of pre-merger filing fees.

f. The SEC is fully funded by transaction fees and securities registration fees.

g. Under the terms of its enabling legislation, the State Justice Institute (SJI) is authorized to present its budget request directly to Congress. The President's FY2004 budget proposed nothing for SJI, but the Institute requested $8 million for itself.

h. "Other" includes agencies receiving appropriations of $2.0 million or less in FY2002. These agencies include Commission for the Preservation of American Heritage Abroad; Commission on Security and Cooperation in Europe; Commission on Electronic Commerce; the Marine Mammal Commission; the Commission on Ocean Policy; the Congressional/Executive Commission on China; the National Veterans Business Development Corp; Pacific Charter Commission; and the U.S. Canada Alaska Rail Commission.

i. This table only lists line-item rescissions requested in the Administration's FY2004 request.

j. Grand Total amounts have been adjusted to reflect transfers of agencies and programs (e.g., the transfer of INS functions from DOJ to DHS). Also, the Grand Total does not include an across-the-board cuts or rescissions that have yet to be determined.

Order Code RL31809

The annual consideration of appropriations bills (regular, continuing, and supplemental) by Congress is part of a complex set of budget processes that also encompasses the consideration of budget resolutions, revenue and debt-limit legislation, other spending measures, and reconciliation bills. In addition, the operation of programs and the spending of appropriated funds are subject to constraints established in authorizing statutes. Congressional action on the budget for a fiscal year usually begins following the submission of the President's budget at the beginning of the session. Congressional practices governing the consideration of appropriations and other budgetary measures are rooted in the Constitution, the standing rules of the House and Senate, and statutes, such as the Congressional Budget and Impoundment Control Act of 1974.

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

NOTE: A Web version of this document with active links is available to congressional staff upon request at: http://www.crs.gov/products/appropriations/apppage.shtml.

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