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*Science, State, Justice, Commerce and Related Agencies
(House)/Commerce, Justice, Science and Related Agencies
(Senate): FY2006 Appropriations*

Ian F. Fergusson and Susan B. Epstein, Foreign Affairs, Defense, and Trade Division

December 23, 2005

Abstract. This report is a guide to the regular appropriations bills that Congress considers each year. It is designed to supplement the information provided by the House Committee on Appropriations and Senate Subcommittee on Legislative Branch of the Senate Committee on Appropriations. It summarizes the current legislative status of the bill, its scope, major issues, funding levels, and related legislative activity.

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Science, State, Justice, Commerce and Related Agencies (House)/ Commerce, Justice, Science and Related Agencies (Senate): FY2006 Appropriations

Updated December 23, 2005

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

This report is a guide to the regular appropriations bills that Congress considers each year. It is designed to supplement the information provided by the House Committee on Appropriations and Senate Subcommittee on Legislative Branch of the Senate Committee on Appropriations. It summarizes the current legislative status of the bill, its scope, major issues, funding levels, and related legislative activity. The report lists the key CRS staff relevant to the issues covered and related CRS products.

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Science, State, Justice, Commerce and Related Agencies (House)/ Commerce, Justice, Science and Related Agencies (Senate): Appropriations for FY2006

Summary

This report monitors actions taken by the 109th Congress for the House's Science, State, Justice, Commerce, and Related Agencies (SSJC) and the Senate's Commerce, Justice, Science, and Related Agencies (CJS) FY2006 appropriations legislation. Appropriations bills reflect the jurisdiction of the subcommittees of the House and Senate Appropriations Committees in which they are considered. Jurisdictions for the subcommittees of the House and Senate Appropriations Committees changed at the beginning of the 109th Congress. In the 108th Congress, both the House and Senate subcommittees had identical jurisdiction and produced the Commerce, Justice, State, the Judiciary and Related Agencies appropriations bills. In the 109th Congress, jurisdiction for the Judiciary appropriation was removed to the Treasury, Transportation, HUD Subcommittees in the House and the Senate. Science appropriations, namely the National Aeronautics and Space Administration (NASA) and the National Science Foundation (NSF) were transferred to the former CJS subcommittees in both chambers. In the Senate, Appropriations for the Department of State was transferred to the Foreign Operations subcommittee, however, it remains under the jurisdiction of SSJC in the House.

The President signed the Science, State, Justice, Commerce, and Related Agencies (SSJC) appropriations bill into law on November 22, 2005 (P.L. 109-108). The law provides \$61.8 billion for the agencies under the jurisdiction of the Science, State, Justice, Commerce Appropriations subcommittee of the House. The appropriations enacted for the major departments and their related agencies are: Department of Justice — \$21.7 billion; Department of Commerce — \$6.6 billion; Department of State — \$9.0 billion; Science — \$22.1 billion; and Related Agencies — \$2.1 billion. The most recent FY2006 302(b) allocation for SSJC was \$58.2 billion.

The Administration requested \$64.2 billion/\$54.2 billion for SSJC/CJS appropriations in its FY2006 budget request sent to Congress on February 7, 2005. The House Appropriations Committee reported its SSJC bill (H.R. 2862, H.Rept. 109-118) on June 7, 2005 and the House enacted the bill on June 16 after three days of debate and 43 amendments. The Senate Appropriations Committee reported its bill (H.R. 2862, S.Rept. 109-88) on June 23, 2005. The Senate Appropriations Committee reported its State, Foreign Operations Appropriation bill (H.R. 3057/S.Rept. 109-96) June 30. It contains the Senate figures of \$9,709.2 for the Department of State, International Broadcasting, and related agencies. The full Senate passed the bill on July 20. The Senate passed the CJS bill on September 15, 2005 after consideration of 122 amendments by a vote of 91-4. The Conference Report (H.Rept. 109-272) was filed on November 7, 2005. The House approved the measure by a vote of 397-19 on November 9; the Senate approved it on November 11 by a vote of 94-5. It was signed into law by President Bush on November 22, 2005 (P.L. 109-108).

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

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Science, State, Justice, Commerce and Related Agencies (House)/ Commerce, Justice, Science and Related Agencies (Senate): Appropriations for FY2006

Most Recent Developments

The President signed the Science, State, Justice, Commerce, and Related Agencies (SSJC) appropriations bill into law on November 22, 2005 (P.L. 109-108). The law provides \$61.8 billion for the agencies under the jurisdiction of the Science, State, Justice, Commerce Appropriations subcommittee of the House. The appropriations of the major departments and their related agencies were: Department of Justice — \$21.7 billion; Department of Commerce — \$6.6 billion; Department of State — \$9.0 billion; Science — \$22.1 billion; and Related Agencies — \$2.1 billion. The most recent FY2006 302(b) allocation for SSJC was \$58.2 billion.¹

The Administration submitted its FY2006 budget to Congress on February 7, 2005. The Administration requested \$64.2 billion for the agencies under the jurisdiction of the Science, State, Justice, Commerce Appropriations subcommittee of the House and \$54.2 billion for the Agencies under the Commerce, Justice, Science Appropriations subcommittee in the Senate. The requests of the major departments and their related agencies were: Department of Justice — \$20.6 billion; Department of Commerce — \$9.6 billion; Department of State — \$9.9 billion; Science — \$22.1 billion; and Related Agencies — \$2.1 billion.

The House Appropriations Committee reported its SSJC bill (H.R. 2862, H.Rept. 109-118) on June 7, 2005 and the House enacted the bill on June 16 after three days of debate and 43 amendments. It provided \$61.3 billion to the SSJC agencies including \$21.8 billion for the Department of Justice; \$5.8 billion for the Department of Commerce; \$9.6 billion for the State Department; and 22.1 billion for NASA and the NSF. The Senate Appropriations Committee reported its Commerce, Justice, Science (CJS) bill (H.R. 2862, S.Rept. 109-88) on June 23, 2005. The Senate passed the CJS bill on September 15, 2005 after consideration of 122 amendments by a vote of 91-4. It provides \$53.6 billion to the CJS agencies, including \$21.5 billion for the Department of Justice; \$7.4 billion for the Department of Commerce, \$21.9 billion for NASA and the NSF, and \$2.8. The Senate Appropriations Committee reported its State, Foreign Operations Appropriation bill (H.R. 3057, S.Rept. 109-96) on June 30. It contains the Senate figures of \$9,709.2 for the

¹ “Further Revised Allocations to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2006,” H.Rept 109-184, November 18, 2005.

Department of State, International Broadcasting, and related agencies which the full Senate passed on July 20th.

Appropriations bills reflect the jurisdiction of the subcommittees of the House and Senate Appropriations Committees in which they are considered. Jurisdictions for the subcommittees of the House and Senate Appropriations Committees were changed at the beginning of the 109th Congress. In the 108th Congress, both the House and Senate subcommittees had identical jurisdiction and produced the Commerce, Justice, State, the Judiciary and Related Agencies appropriations bills. In the 109th Congress, jurisdiction for the the Judiciary appropriation was removed to the Treasury, Transportation, HUD Subcommittees in the House and the Senate. Science appropriations, namely the National Aeronautical and Space Administration and the National Science Foundation were transferred to the former CJS subcommittees in both chambers. In the Senate, appropriations for the Department of State were transferred to the Foreign Operations subcommittee, however, they remains under the jurisdiction of SSJC in the House. Additionally, the Senate Appropriations Committee has placed the National Institute of Science and Technology and the National Oceanic and Atmospheric Administration under its Title III Science Agencies. For the purposes of comparison, this report will retain reference these agencies in Title II Commerce agencies.

Table 1. Legislative Status of SSJC/CJS Appropriations, FY2006

Subcommittee Markup		House Report	House Passage	Senate Report	Senate Passage	Conf. Report	Conf. Report Approval		Public Law
House	Senate						House	Senate	
5/24/05	6/21/05	6/7/05 H.R. 2862 H.Rept. 109-118	6/16/05	6/23/05 S.Rept. 109-88	9/15/05	11/7/05 H.Rept 109-272	11/9/05 397-19	11/13/05 94-5	11/22/05 P.L. 109-108

Background Information

Synopsis of FY2005 Appropriations

The Administration's request for the FY2005 Commerce, Justice, State, and the Judiciary and Related Agency totaled \$43.2 billion. The House CJS Subcommittee on Appropriations marked up its bill on June 15, 2004. The full House Appropriations Committee by voice vote approved the unnumbered bill on June 23, and reported it as H.R. 4754 (H.Rept. 108-576) on July 1. The House passed this bill on July 8, 2004. The House bill provided a total of \$43.5 billion. The Senate Appropriations Committee marked up its bill (S. 2809, S.Rept. 108-344) and passed it unanimously on September 15, 2004 providing a total of \$40.5 billion. The CJS appropriation was in Division B of the Consolidated Appropriations Act of FY2005 (P.L. 108-447). The Conference Report (H.R. 4818, H.Rept. 108-792) was approved

in both the House and Senate on November 20, 2004. The act (P.L.108-447) was signed by the President on December 8, 2004.

Departmental Funding Trends

The table below shows funding trends for the major agencies in CJS appropriations over the five-year period FY2001-FY2005, including supplemental appropriations. Over the five-year period, funding decreased for the Department of Justice by \$437 million (-2.1%); and increased for the Department of Commerce by \$1.48 billion (29%); for the Title III Science Agencies by \$2.96 billion (14%); and for the Department of State by \$2.17 billion (33%).

The Justice Department's budget rose steadily until FY2003, when it was reduced by nearly \$4.7 billion below the FY2002 level due to the relocation of some activities to the Department of Homeland Security, however, by FY2005 it was nearly back to the FY2001 level. The Commerce Department budget has generally increased over the five-year span. The State Department's increases reflect post-September 11th security environment, technology improvements and a new hiring initiative. State has received the greatest increase of about \$2.17 billion from FY2001 to FY2005, reflecting supplemental funds appropriated in FY2002, FY2003, and FY2004.

Table 2. Funding for Departments of Commerce, Justice, and State, and Science Agencies
(in billions of current dollars)

Department or Agency	FY2001	FY2002	FY2003	FY2004	FY2005
Justice	21.049	23.707	19.648	19.850	20.612
Commerce	5.153	5.739	5.796	5.943	6.637
Science*	19.08	19.71	20.600	20.960	21.676
State	6.601	7.362	8.179	9.429	8.767

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

* Previous to FY2006, Title III Science Agencies were contained in the VA/HUD appropriations legislation.

Survey of High-Profile Issues

Department of Justice

- The elimination of funding for the Edward Byrne Memorial Justice Assistance Grants (JAG) program and the Edward Byrne Discretionary Grant program.
- The elimination of most funding for the Community Oriented Policing Services (COPS) programs administered by the COPS Office and the realignment of the Bulletproof Vest program, the DNA Backlog program, the Gun Violence Reduction program, and

the Southwest Border Prosecution Assistance program into other Office of Justice Assistance programs.

- Certain appropriations limitations related to FBI background checks for firearm transfers and ATF firearm regulation responsibilities.
- The proposed rescission of the Victims of Crime Fund balance, while requesting an FY2006 funding cap of \$660 million for current services under the Victims of Crime program.
- The President's FY2006 request proposes to reduce overall federal funding for juvenile justice by 39% from FY2005 levels, and to eliminate funding for the Juvenile Accountability Block Grant in FY2006.

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.
- Importation of prescription drugs from foreign countries.
- The ability of U.S. trade agencies and PTO to fight intellectual property infringement abroad.
- The efficacy of U.S. trade agency enforcement of U.S. trade remedy laws against unfair foreign competition.
- The possible consolidation of all of NOAA's budget authority under a single Organic Act.
- Funding to upgrade the U.S. tsunami early warning system.

Science Agencies

- President Bush's "Vision for Space Exploration" and its consequent reprioritization of NASA programs, and potential personnel cuts (especially in aeronautics research).
- Whether to use the space shuttle to service the Hubble Space Telescope.

Department of State and International Broadcasting

- Construction of new embassy facilities in Baghdad with regional offices throughout Iraq.
- Increased emphasis on public diplomacy activities focusing on Muslim/Arab populations.
- Passport and visa policies related to homeland security issues.

Department of Justice²

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. 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 against 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

² This title is written by Celinda Franco, Specialist in Social Legislation, Domestic Social Policy Division.

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.

Most crime control has traditionally been a state and local responsibility. With the passage of the Crime Control Act of 1968 (P.L. 90-351), however, 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 five-year strategic plan, including a mission statement, long-range goals, and program assessment measures. The Department's Strategic Plan for FY2003-2008 sets forth four goals:

- prevent terrorism and promote national security;
- enforce federal criminal laws and represent the rights and interests of the American people;
- prevent and reduce crime and violence by assisting state, local, and tribal efforts;
- ensure the fair and efficient operation of the Federal justice system.

FY2006 Budget Request

The Department of Justice requested an FY2006 budget of \$20.562 billion in mandatory and discretionary spending, which represented an increase of \$331 million over what Congress enacted for FY2005. For FY2006, the Department's plan had four missions: (1) prevent terrorism and promote the nation's security; (2) enforce federal laws and represent the rights and interests of the American people; (3) assist state, local, and tribal efforts to prevent or reduce crime and violence; and (4) ensure the fair and efficient operation of the federal justice system.

The President's FY2006 budget provided for increased funding for counterterrorism and homeland defense efforts. The FY2006 budget request provided funding increases for the FBI, the lead agency in combating terrorism,

proposing funding of \$5.7 billion in 2006, an increase of nearly \$500 million over FY2005 appropriations. The FY2006 request supported the FBI in intelligence reform, in counterterrorism and counterintelligence initiatives, and bolster the intelligence program.

The total amount of funding requested for DEA in FY2006 was almost \$1.7 billion. As a part of a comprehensive drug enforcement strategy, DOJ deployed numerous federal law enforcement agencies to identify and target the most significant drug supply organizations. The FY2006 President's Budget included funding for the DEA of \$72.9 million to carry out a new drug enforcement strategy to identify and target the most significant drug supply organizations and related components.

To help state and local law enforcement agencies target gun crime, under the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) the President's budget provided additional funding for gun crime initiatives, such as Violent Crime Impact Teams (VCIT), which target gun crime "hot spots," identifying the worst criminals, arresting criminal suspects, and arresting suspects while disrupting and dismantling the violent criminal street gangs in that area.

The FY2006 President's request would have eliminated "non-performing" and programs it considered to be lower priority, including state and local law enforcement programs, such as the Community Oriented Policing Services (COPS) hiring grants and the Byrne Justice Assistance Grants; State Criminal Alien Assistance Program (SCAAP) grants; Juvenile Accountability Block Grants (JABG); and programs like the Byrne Discretionary Grants and the COPS Law Enforcement Technology Grants, which are entirely earmarked by Congress.

General Administration. The General Administration account for DOJ includes salaries and expenses, as well as other programs designed to ensure that the collaborative functions of the DOJ agencies are coordinated to help fight crime as efficiently as possible. Examples include the Joint Automated Booking System and the Automated Biometric Identification System. For FY2006, the President's budget proposal included \$1.977 billion for General Administration, \$374 million more than enacted for FY2005. 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. For FY2006, the budget request included new funding of \$181.5 million for the Justice Information Sharing Technology (JIST) initiative. The House-passed bill (H.R. 2862) recommended a total of \$1.834 billion for General Administration. The Senate-passed bill included \$1.850 billion. The conference report includes \$1.8 billion, of which \$125 million was appropriated for the JIST initiative, and increase of \$192.6 million more than FY2005 levels.

For salaries and expenses, the President's FY2006 budget requested \$161.4 million for supporting the Attorney General and DOJ senior policy level officials in managing Department resources and developing policies for legal, law enforcement, and criminal justice activities. The House-passed bill included \$124.5 million and the Senate-passed bill included \$116.9 million. The conference report includes \$124.5 million for salaries and expenses, and increase of \$2.0 million over FY2005 appropriations.

For the *Federal Office of Detention Trustee (OFDT)*, the FY2006 request included \$1.222 billion in funding, a \$347.4 million increase over the amount appropriated by Congress for FY2005. The OFDT provides overall management and oversight for federal detention services relating to the detention of federal prisoners in non-federal institutions or otherwise in the custody of the U.S. Marshal's Service. The House-passed and Senate-passed bills include \$1.222 billion. The conference report includes \$1.222 billion for the OFDT, and increase of \$347.8 million over the FY2005 appropriation.

The *Office of the Inspector General (OIG)* is responsible for detecting and deterring waste, fraud, abuse, involving DOJ programs and personnel and promoting economy and efficiency in DOJ operations. The OIG also investigates allegations of departmental misconduct. The Administration's FY2006 budget proposal requested \$67.4 million for the OIG, which would have represented a \$4.5 million increase compared to the FY2005 appropriation. The House-passed bill included \$66.8 million for funding the OIG. The Senate-passed bill included \$70.4 million. The conference agreement includes \$68.8 million for the OIG, \$5.8 million more than in FY2005.

In addition, the conference agreement includes a rescission of \$2.5 million from unobligated balances in the Working Capital Fund.

U.S. Parole Commission. The U.S. Parole Commission adjudicates parole requests for prisoners who are serving felony sentences under federal and District of Columbia Code violations. 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) provided for a temporary extension of the parole commission for three years until November 1, 2005. For FY2006, the Administration's budget request included \$11.3 million for the parole commission, an increase of \$800,000 over the Commission's FY2005 appropriation (after rescissions). The House-passed bill recommended \$11.2 million and the Senate-passed bill included \$11.0 million. The conference report provides \$11.0 million for the U.S. Parole Commission, an increase of \$504,000 from FY2005 appropriation levels.

Legal Activities. The Legal Activities account includes several subaccounts: (1) general legal activities, (2) U.S. Attorneys, (3) U.S. Marshals Service, (4) prisoner detention, and (5) other legal activities. For FY2006, the Administration's budget request included \$3.331 billion for legal activities, an increase of \$138.5 million over the FY2005 enacted budget. The House-passed bill included \$3.327 billion for total legal expenses. The Senate-passed bill included \$3.239 billion. The conference report includes \$3.299 billion for legal activities, an increase of just under \$106.3 million over FY2005 appropriations.

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). For these purposes, the Administration's FY2006 budget request included \$679.7 million, an increase of almost \$45.0 million over the FY2005 enacted appropriation. The House-passed bill

included \$665.8 million and the Senate-passed bill included \$648.2 million. The conference report provides \$662.0 million for General Legal Activities, an increase of \$36.2 million over last year's appropriation.

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 FY2006 request included \$1.626 billion, an increase of nearly \$99.3 million over the enacted FY2005 budget for this office. The House-passed bill recommended the same amount as the Administration requested, \$1.626 billion, for the U.S. Attorneys Office. The Senate-passed bill included \$1.573 billion. For FY2006, the conference report provides \$1.6 billion for the U.S. Attorneys, an increase of \$73.2 million over the FY2005 appropriation amount.

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 FY2006 request included \$790.3 million for the Marshals Service, an increase of \$42.7 million over the Service's FY2005 enacted budget. The House-passed bill included almost \$800.3 million for the USMS. The Senate passed-bill included \$764.2 million. The conference report provides \$801.9 million for the U.S. Marshals Service, an increase of \$42.4 million over last year's appropriation level.

For *other legal activities*. e.g., the Community Relations Service, the Independent Counsel, the U.S. Trustee Fund (which 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 FY2006 request included \$235.3 million. The Administration also requested \$42.8 million in discretionary funding for the Radiation Exposure Compensation Trust Fund (RECA), \$22.2 million less than was appropriated in FY2005. The House-passed and Senate-passed bills included a total of \$199.1 million for other legal activities and did not include funding for RECA Trust Fund. The conference report includes \$235.2 million for other legal activities and no funding for RECA.

In addition, the conference agreement includes a rescission of \$102 from unobligated balances in the Assets Forfeiture Fund, instead of \$62 million as proposed by the House and \$82 million as proposed by the Senate.

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. From DOJ, the federal agencies that participate in OCDETF are the Drug Enforcement Administration; Federal Bureau of Investigation; Bureau of Alcohol, Tobacco, Firearms and Explosives; U.S. Marshals Service; the Justice, Tax and Criminal Divisions of DOJ; and the U.S. Attorneys. From the Department of Homeland Security, the U.S. Bureau of Immigration and Customs Enforcement and the U.S. Coast Guard participate in OCDETF. Additionally, the Internal Revenue Service and Treasury Office of

Enforcement also participate from the Department of the Treasury. State and local law enforcement agencies participate in approximately 87% of all OCDETF investigations. The FY2006 DOJ budget request included \$661.9 million for OCDETF. For FY2005, \$553.5 million was provided for OCDETF, \$108 million less than the FY2006 amount requested by the Administration. The House-passed bill included \$506.9 million and the Senate-passed bill included \$440.2 million for FY2006 funding. The conference report includes \$489.4 million for OCDETF, a reduction of \$64.1 million.

Federal Bureau of Investigation. The Federal Bureau of Investigation (FBI), as the lead federal investigative agency, continues to reorganize to focus more sharply on preventing terrorism and other criminal activities. The Administration's request included \$5.691 billion for FY2006, \$481.6 million more than what was enacted in FY2005. Of that amount, the request provides \$10.1 million for construction. The House-passed bill recommended \$5.741, of which \$20.1 million would be for construction. The Senate-passed bill included \$5.320.7 billion, of which \$25.2 million for construction. The Senate measure also recommended a rescission of \$120 million from unobligated balances in this account. The conference report included \$5.766 billion for the FBI in FY2006, and increase of \$556.8 million over FY2005 appropriations. For construction, the conference agreement includes \$37.6 million, an increase of \$27.5 million over FY2005 levels.

The conference agreement also includes a rescission of \$25 million from unobligated balances in the Salaries and Expenses account of the FBI, instead of \$103.5 million proposed by the Senate.

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. The FY2006 budget request included \$172.5 million for the Organized Crime Drug Enforcement Task Force (OCDETF), which brings together major DOJ agencies such as DEA and FBI, the Criminal Division's Narcotic and Dangerous Drug Section, and the U.S. Attorneys, along with their state and local law enforcement counterparts, to disrupt and dismantle major drug supply organizations. For FY2006, 76% of DEA's budgetary resources (including reimbursable funds) would be used for domestic enforcement, 14% for international enforcement, 2% for state and local assistance, and 8% for the Diversion Control Fee Account (criminal and complaint investigations targeting pharmaceutical controlled substances traffickers and online pharmacy investigations).

The Administration's FY2006 request included \$1.694 billion for DEA, almost \$55.3 million more than the amount appropriated by Congress in FY2005. The House-passed bill recommended \$1.716 billion. The Senate-passed bill recommended \$1.647 billion. In addition, the Senate-passed bill would have required the Attorney General to establish a Methamphetamine Task Force within DEA that would be responsible for improving and targeting federal policies with respect to the production and trafficking of methamphetamine. The conference report includes \$1.686 billion for DEA in FY2006, and increase of \$47.7 million over FY2006 appropriations. The conference agreement directs the DEA to use the Mobile Enforcement Teams and the Demand Reduction program to focus on combating methamphetamine production, trafficking and abuse.

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 FY2006 request included \$923.6 million for ATF, an increase of \$41.1 million over the FY2005 appropriation of \$882.5 million. The Project Safe Neighborhoods (PSN) initiative brings together federal, state, and local law enforcement agencies to identify the most pressing gun crime problems in their communities and develop strategies to attack those problems through prevention, deterrence, and aggressive prosecution. DOJ also launched a companion initiative, the Violent Crime Impact Teams (VCIT), which combine the efforts of federal, state, and local law enforcement to target gun crime “hot spots.” VCIT is currently active in 10 cities and the FY2006 budget request would expand the initiative to 25 cities. The FY2006 request included \$31.3 million in these and other gun crime enforcement initiatives. The House-passed bill recommended \$923.6 million and the Senate-passed bill recommended \$923.6 million. The conference report includes \$923.6 million for ATF, and increase of \$41.1 million over FY2005 levels.

Federal Prison System. The Federal Prison System is administered by the Bureau of Prisons (BOP), maintains penal institutions nationwide, and contracts with state, local, and private concerns for additional detention space. The Administration estimates that, as of January 2005, there were nearly 181,000 federal inmates in 112 institutions and over 153,000 were in facilities operated by the BOP. The Administration requested \$4.755 billion for the Federal Prison System for FY2006, \$24.7 million less than Congress appropriated for FY2005. The House-passed measure recommended \$4.969 billion. The Senate-passed bill recommended \$5.115 billion. The conference report includes \$4.986 billion for BOP in FY2006, an increase of \$206.3 million over FY2005 appropriation levels.

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 Administration’s requested \$1.205 billion for FY2006, a reduction of more than \$1.4 billion below the amount appropriated by Congress for FY2005. The House-passed bill recommended \$2.319 billion and the Senate-passed bill recommended \$2.584 billion for FY2006 funding. The conference report includes \$2.319 billion for OJP in FY2006. This represents a reduction of just over \$291 million from FY2005 appropriation levels.

Several factors account for the difference in funding for FY2006, compared to FY2005. For example, the Consolidated Omnibus Appropriations Act, 2005 (P.L. 108-447) consolidated the Local Law Enforcement and Edward Byrne Memorial Block grants, replacing them with a Edward Byrne Memorial Justice Assistance Grant (JAG) program, and reducing funding by \$91 million, compared to amounts appropriated for these two separate programs in FY2004. In FY2005, JAG was funded at \$625.5 million. For FY2006, the Administration had proposed to eliminate the JAG program. Similarly, the Edward Byrne Discretionary Grant program received appropriations of \$170 million for FY2005; the Administration’s FY2006 request would have eliminated funding for the program. The House-passed bill recommended \$366.4 million for the JAG program and \$110 million for Byrne

Discretionary. The Senate-passed bill recommended \$900 million for the JAG program and \$177 million for the Byrne Discretionary grant program. The conference report includes almost \$416.5 million for the JAG program and \$191.7 million for the Byrne Discretionary grant program. These appropriations represent a reduction in funds appropriated for JAG grants of \$209 million for the JAG program and an increase in spending for the Byrne Discretionary grants of \$23.9 million.

In addition, much of the funding for state and local law enforcement through the COPS program would have been eliminated under the Administration's FY2006 budget proposal, although the proposal included moving some of COPS programs which would have been placed under the administration of OJP, such as the Bulletproof Vest and Meth Hot Spots programs. In FY2005, all state and local law enforcement received total appropriations of over \$1.278 billion. The House-passed bill recommended \$1.069 billion for total state and local law enforcement and the Senate-passed bill recommended \$1.353 billion for FY2006. The conference report includes \$1.143 billion for state and local law enforcement in FY2006, a decrease in appropriations of \$135.5 million.

In addition, the conference agreement includes a rescission of \$110.5 million from unobligated balances available to OJP from prior year appropriations. The conferees direct DOJ not to rescind funding from the SCAAP, Prison Rape Prevention and Prosecution programs, Gang Prevention programs, or from the Victims of Trafficking program.

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. For FY2006, the Administration's budget proposal requested \$1.203 billion for this account along with a proposed \$115.5 million rescission.³ However, the House proposed \$227.5 million and the Senate proposed \$221 million. The conference agreement includes appropriations of \$233.2 million, an increase of \$8.4 million.

Under the FY2006 budget request, COPS would have been maintained as an account separate from Justice Assistance accounts, but only four out of 18 COPS programs would have continued to be funded from the COPS account. Specifically, the Administration requested \$117.781 million in funding for FY2006, funding for Community Policing Development (\$7 million); Tribal Law Enforcement (\$51.6 million); Police Integrity (\$10 million); Meth Hot Spots (\$20 million); and Management and administration (\$29.2 million). The FY2006 request also included a rescission of \$115.5 million for these COPS programs, resulting in a net funding request after rescissions of \$2.381 million.

³ Rescissions under the President's budget request for DOJ typically are monies that have not been spent in the previous year or are recovered from grantees for whom funds were obligated but not spent or were mis-spent in previous years.

The Congress did not adopt the Administration's proposal on the reorganization of the COPS program. The House-passed bill recommended total COPS funding of \$566 million, providing funding of \$94 million for Meth Hot Spots; \$120 million for Technology and Interoperable Communications; \$30 million for Bulletproof Vests; \$177 million for DNA backlog/crime labs; \$27.5 million for Criminal Records Upgrades; \$38 million for Tribal Law Enforcement; \$10 million for Offender Reentry; and \$60 million for an Anti-Gang initiative.

The Senate-passed bill recommended total COPS funding of just under \$535 million, providing funding of \$80 million for Meth Hot Spots; \$137 million for Law Enforcement Technology grants; \$3 million for Offender Reentry; \$37.5 million for Technology Interoperability; \$27 million for Bulletproof Vests; \$89.5 million for DNA Initiative; \$2 million for Hiring; \$14 million for Training and Technical Assistance; \$20 million for Tribal Law Enforcement; \$10 million for Police Corps; \$20 million for Criminal Records Upgrade; \$22 million for Coverdell Forensics Science Improvement; \$30 million for Crime Identification Technology; \$5 million for Safe Schools Initiative; and \$7.5 million for Police Integrity Grants.

The conference report includes total COPS funding of \$478.3 million, providing funding of \$63.6 million for Meth Hot Spots; \$139.9 million for Law Enforcement Technology grants; \$5.0 million for Offender Reentry; no funding for Technology Interoperability; \$30 million for Bulletproof Vests; \$108.5 million for DNA Initiative; no funding for Hiring; \$4 million for Training and Technical Assistance; \$15 million for Tribal Law Enforcement; no funding for Police Corps; \$10 million for Criminal Records Upgrade; \$18.5 million for Coverdell Forensics Science Improvement; \$28.8 million for Crime Identification Technology; no funding for Safe Schools Initiative; no funding for Police Integrity Grants; and \$40 million for grants to reduce gang violence. In addition, the conference agreement includes a rescission of \$86.5 million from unobligated balances available from the COPS account, as proposed by the House.

Improving the Criminal Justice System. For Improving the Criminal Justice System, the Administration's request included \$446.1 million. This amount included, among other programs, \$59.6 million for the Weed and Seed program; \$48.4 million for the Southwest Border Prosecutor Initiative; \$73.8 million for State and Local Gun Violence Assistance program; \$45.0 million for the Regional Information Sharing System; \$10.2 for Prison Rape Prevention & Prosecution; \$29.9 million for the Bulletproof Vest Partnership (formerly funded under COPS), and \$179.2 million for other crime control programs. The Administration's FY2006 request would have eliminated funding for the State Criminal Alien Assistance program (SCAAP).

The House-passed bill recommended FY2006 funding of \$30 million for the Southwest Border Prosecutor Initiative; \$50 million for Weed and Seed program; \$30 million for the Bulletproof Vest program; and \$405 million for SCAAP. The Senate-passed bill recommended \$27 million for Bulletproof Vest program; \$50.28 million for the Weed and Seed program; \$170 million for SCAAP; and \$30 million for the Southwest Border Prosecutor Initiative. The conference report includes \$30 million for Bulletproof Vest program; \$50.0 million for the Weed and Seed program; \$405

million for SCAAP; and \$30 million for the Southwest Border Prosecutor Initiative.

Research, Development, Evaluation, and Statistics. For Research, Development, Evaluation and Statistics, the Administration's FY2006 requested \$139.5 million: \$62.8 million for criminal justice statistics and \$76.7 million for research, evaluation, and demonstration projects. The House-passed bill recommended \$56 million for the National Institute of Justice (NIJ) for research and development in the field of criminal justice, and \$35 million for the Bureau of Justice Statistics (BJS) in FY2006. The Senate-passed bill recommended \$54 million for NIJ and \$34.1 million for BJS. The conference agreement includes \$55 million for NIJ and \$35 million for BJS.

Technology for Crime Identification. For Technology for Crime Identification, the Administration's budget proposal included \$238.2 million: \$177 million for the DNA initiative and \$58 million for the National Criminal History Improvement Program (formerly funded under COPS); and nearly \$2.9 million for the stalker database under the Violence Against Women Act (VAWA). The House-passed bill recommended FY2006 funding of \$177 million for the DNA Initiative, \$25 million for the Criminal History Improvement Program, \$389.5 million for VAWA and \$2.9 million for the Stalker Database. The Senate-passed bill recommended \$89.5 million for the DNA initiative, \$372 million for VAWA, and \$2.962 million for the stalker database. The conference agreement includes \$108.5 million for the DNA initiative, \$386.5 million for VAWA, and \$2.962 million for the Stalker Database.

Juvenile Justice. For Strengthening the Juvenile Justice System, the Administration's FY2006 request included \$186.7 million, \$172.6 million less than what was appropriated for juvenile justice programs in FY2005. The Administration's request proposed funding of \$93.9 million for the Juvenile Justice Formula Grants, \$11 million more than the Congress appropriated in FY2005 for the program. The budget request included funding of \$43 million for the Juvenile Delinquency Block Grants, a program the Congress did not fund in FY2005. For the Developing New Initiatives program, the President's budget requested \$6.6 million, while in FY2005 the Congress appropriated \$100.8 million. Congress appropriated \$54.3 million for the Juvenile Accountability Incentive Block Grant in FY2005, a program for which the Administration requested no funding for FY2006.

The House-passed bill recommended \$333.7 million for Juvenile Justice programs: \$712,000 for Part A, administering and implementing juvenile justice programs; \$83 million for Part B, State Formula Grants; \$70 million for Part E, Demonstration projects; \$80 million for Title V, Incentive Grants, which provides \$10 million for Tribal Youth, \$25 million for Gang Prevention, and \$25 million for Alcohol Prevention; \$5 million for Part G, Juvenile Mentoring; \$15 million for the Secure Our Schools Act; \$15 million for Victims of Child Abuse Programs; \$60 million for the Juvenile Accountability Block Grant; and \$5 million for Project Childsafe.

The Senate-passed bill recommended \$352 million for Juvenile Justice programs: \$1 million for Part A; \$82 million for Part B, State Formula Grants; \$5

million for Part C, Discretionary Grants; \$8 million for Part D, Research, Evaluation, and Training; \$75 million for Part E, Developing New Initiatives; \$15 million for Part G, Juvenile Mentoring Program (JUMP); \$20 million for Title V, At Risk Children Programs; \$10 million for the Tribal Youth program; \$25 million for Enforcing Underage Drinking Laws programs; \$25 million for Gang Prevention programs; \$15 million for the Secure Our Schools Act; \$5 million for Project Childsafe; \$15 million for Victims of Child Abuse Act; and \$49 million for the Juvenile Accountability Block Grants.

The conference agreement includes \$342.7 million for Juvenile Justice programs: \$712,000 for Part A; \$80 million for Part B, State Formula Grants; \$5 million for Part C, Discretionary Grants; \$8 million for Part D, Research, Evaluation, and Training; \$106 million for Part E, Demonstration Grants; \$10 million for Part G, Juvenile Mentoring Program (JUMP); \$65 million for Title V, Incentive Grants, including \$10 million for the Tribal Youth program, \$25 million for Enforcing Underage Drinking Laws programs, and \$25 million for Gang Prevention programs; \$15 million for the Secure Our Schools Act; \$1 million for Project Childsafe; \$15 million for Victims of Child Abuse Act; and \$50 million for the Juvenile Accountability Block Grants.

Substance Abuse. For Substance Abuse: Demand Reduction, the Administration's FY2006 request includes \$133.3 million, significantly more than the \$69 million enacted by the Congress for FY2005. The President's budget proposal included \$70 million for drug courts and \$44.1 million for Residential Substance Abuse Treatment (RSAT), drug treatment for state prisoners, for which the Congress appropriated \$24.6 million in FY2005. The Cannabis Eradication Grant program, which the budget request would transfer to OJP from DEA, would be funded at \$19.1 million in FY2006, \$8 million more than the Congress appropriated for the program in FY2005. However, the FY2006 budget request does not include funding for Indian Country Alcohol and Crime Demonstration grants, for which Congress appropriated \$4.9 million in FY2005.

The House-passed bill recommended: \$40 million for Drug Courts; \$25 million for RSAT; and \$11.6 million for Cannabis eradication, and no funding for Indian Country grants. The Senate-passed bill recommended \$25 million for Drug Courts; \$15 million for RSAT; \$15 million for Indian Country grants; and no funding for Cannabis eradication. The conference agreement includes \$10 million for Drug Courts; \$10 million for RSAT; \$22 million for Indian Country grants; and \$5 million for Cannabis eradication.

Victims of Crime. For Services for Victims of Crime (VOC) within the Justice Assistance account, the Administration's FY2006 request includes \$84.2 million. Among other things, this amount includes funding authorized under the Violence Against Women Act (VAWA) and Victims of Child Abuse Act. It also includes funding provided under the Public Safety Officers Benefit (PSOB) program, which 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. Benefits provided by this program were increased by the USA PATRIOT Act of 2001 (P.L. 107-56). The Administration's FY2006 request includes \$49.7 million in funding for death benefits under the PSOB program and \$6.4 million for

disability and educational assistance. For FY2005, \$69.4 million was provided for PSOB death, disability, and education benefits.

The House-passed bill recommended \$72.9 million for PSOB. The Senate-passed bill included \$221 million for VOC and the same funding level as the House for PSOB. The conference agreement includes \$72.9 million for PSOB.

Office on Violence Against Women. The Office on Violence Against Women (OVW), was created in 1995 as a component of the Department of Justice. OVW implements VAWA and subsequent legislation. The FY2005 request establishes the Office of Violence Against Women as an office administratively separate from the Office of Justice Programs. The Administration's FY2006 budget request for this office was \$363 million. Funding for VAWA programs in FY2005 was \$382.1 million. The House-passed bill recommended \$389.5 million for the Office of Violence Against Women. The Senate-passed bill recommended \$371.9 million for VAWA. The conference agreement includes \$386.5 million for VAWA.

Related Legislation

H.R. 3402 (Sensenbrenner)

Would amend present law to reauthorize the Department of Justice appropriations for FY2006 through 2009. Would reauthorize and amend the Violence Against Women Act and includes other provisions related to domestic violence, sexual assault, stalking, and protections for immigrant victims of violence. Introduced on July 22, 2005, referred to House Committee on the Judiciary. Passed in the House on September 28, 2005.

Table 3. Department of Justice Funding Accounts
(\$ millions in budget authority) ^a

Accounts	FY2005 enacted ^b	FY2006 request	FY2006 House	FY2006 Senate	FY2006 enacted
General Administration	\$1,608.3	\$1,977.3	\$1,834.8	\$1,850.7	\$1,800.9
U.S. Parole Commission	10.5	11.3	11.2	11.0	11.0
Legal Activities	3,192.8	3,331.3	3,327.4	3,232.3	3,299.1
<i>General legal activities</i>	625.7	679.7	665.8	648.2	662.0
<i>United States Attorneys</i>	1,526.8	1,626.1	1,626.1	1,573.0	1,600.0
<i>United States Marshals Service</i>	759.5	790.3	800.3	776.2	801.9
<i>Other</i>	280.8	235.2	235.2	234.9	235.2
Federal Bureau of Investigation	5,209.5	5,691.1	5,741.1	5,320.7	5,766.3
<i>Salaries and expenses</i>	4,132.1	4,091.1	3,452.2	3,670.8	3,439.8
<i>Counterintelligence and national security</i>	1,003.4	1,600.0	2,288.9	1,600.0	2,288.9
<i>Construction</i>	10.1	10.1	20.1	25.2	37.6
<i>Foreign terrorist tracking</i>	—	—	—	—	—
Drug Enforcement Administration	1,638.8	1,694.2	1,716.2	1,647.1	1,686.5
Interagency Law Enforcement	553.5	661.9	506.9	440.2	489.4
Bureau of Alcohol, Tobacco, Firearms and Explosives	882.5	923.6	923.6	923.7	923.6
Federal Prison System	4,779.8	4,755.1	4,969.1	5,115.1	4,986.1
Office of Justice Programs	2,611.0	1,205.7	2,319.9	2,584.6	2,319.9
<i>Justice assistance</i>	224.9	1,203.5	227.5	221.0	233.2
<i>State and local law enforcement assistance</i>	1,278.2	—	1,069.2	1,353.4	1,142.7
<i>Weed and seed program fund</i>	61.2	—	50.0	50.3	50.0
<i>Community oriented policing services</i>	598.3	2.3	566.6	535.0	478.3
<i>Juvenile justice programs</i>	379.0	—	333.7	352.0	342.7
<i>Office on Violence Against Women</i>	382.1	363.0	389.5	372.0	386.5
<i>Public safety officers benefits program</i>	69.3	—	72.9	72.9	72.9
Additional Funding	407.1	898.3	409.7	372.0	431.7
Rescission		(587.0)			(45.0)
Total: Department of Justice	20,893.8	20,562.8	21,759.9	21,497.4	21,669.5

Source: U.S. House of Representatives, U.S. Senate, Committees on Appropriations.

a. Amounts may not total due to rounding.

b. FY2005 figures do not reflect two rescissions (0.80% and 0.54%) in the Consolidated Appropriations Act, 2005, P. L. 108-447.

Related CRS Products

CRS Report RL32095, *FBI: Past, Present and Future*, by Todd Masse and William J. Krouse.

CRS Report RL32827, *Selected Federal Crime Control Assistance to State and Local Governments*, by Cindy Hill.

CRS Report RL32842, *Gun Legislation in the 109th Congress*, by William J. Krouse.

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

CRS Report RL32336, *FBI Intelligence Reform Since September 11, 2001: Issues and Options for Congress*, by Alfred Cummings and Todd Masse.

CRS Report RL32249, *Gun Control Proposals to Regulate Gun Shows*, by William Krouse.

CRS Report RS21259, *Violence Against Women Office: Background and Current Issues*, by Garrine P. Laney.

CRS Report RL32366, *Terrorist Identification, Screening, and Tracking Under Homeland Security Presidential Directive 6*, by William J. Krouse.

CRS Report RL32579, *Victims of Crime Compensation and Assistance: Background and Funding*, by M. Ann Wolfe.

CRS Report RS22151, *Long-Range Fifty Caliber Rifles: Should They Be More Strictly Regulated?*, by William J. Krouse.

Commerce and Related Agencies⁴

Title II includes the appropriations for the Department of Commerce and related agencies. The origins of the department date 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.

⁴ This title is coordinated by Kevin Kosar, Analyst in American National Government, Government and Finance Division.

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 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.

The President's FY2006 budget request calls for \$9.6 billion for the Department of Commerce and related agencies. This represents a 44 percent increase over the FY2005 appropriation of \$6.7 billion (P.L. 108-447) for Title II and related agencies.

This proposed increase primarily would be the result of the creation of a \$3.7 billion Strengthening America's Communities Grant Program. The President's budget proposes major reductions in the Advanced Technology Program, the Emergency Steel Guarantee Loan Program, and the Public Telecommunications Facilities, Planning and Construction Program.

The House bill (H.R. 2862) passed on June 16, 2005 and proposes \$5.8 billion in appropriations (which includes a \$35 million rescission), a 13.4 percent decrease from FY2005. H.R. 2862 would reduce significantly the appropriations for the Economic Development Administration, the National Telecommunications and Information Administration, and the National Institute of Standards and Technology. H.R. 2862 would not include funding for the Administration's Strengthening America's Communities Grant Program.

The Senate bill (H.R. 2862) was passed on September 15, 2005 and proposes \$7.4 billion in appropriations (with no rescissions), a 11.2 percent increase from FY2005. It would cease funding for the Technology Administration (funded in FY2005 at \$6.5 million) and would not fund the Administration's Strengthening America's Communities Grant Program.

Departmental Management

The President's FY2006 budget requests \$106.3 million for Departmental Management; of this amount, \$53.53 million would be for salaries and expenses, \$22.76 would be for the Office of Inspector General (IG), and \$30 million would be for the renovation of the headquarters of the Department of Commerce.

H.R. 2862 would have appropriated \$70.2 million, with \$47.5 for Departmental Management and \$22.7 for the IG. The Senate bill would have appropriated \$72.4 million, with \$49.6 million for Departmental Management and \$22.8 million for the IG, and \$5 million for the U.S Travel and Tourism Promotion Program (USTTPP).⁵ The conference report as passed by the House and Senate would appropriate \$74.3 million, with \$47.5 million for departmental management, \$22.8 for the inspector general, and \$4 million for USTTPP.

International Trade Administration⁶

The President's FY2006 request for the International Trade Administration (ITA) is \$395.9 million, a \$7.6 million (1.9%) increase over the FY2005 appropriation. The 2005 Consolidated Appropriations Act (H.R. 4818, H.Rept. 108-792) enacted \$393.5 million in direct appropriations with \$8 million to be derived from fees, thus raising the level of budget authority to \$401.5 million. In contrast, the President's FY2006 request anticipates the collection of \$13 million in fees

⁵ On the federal government and tourism promotion, see CRS Report RL32647, *Government Advertisement of Tourism: Recent Action and Long-Standing Controversies*, by Kevin R. Kosar.

⁶ The sections on ITA, USTR, NIPLECC, ITC, and BIS were written by Ian F. Fergusson, Analyst in International Trade and Finance, Foreign Affairs, Defense, and Trade Division.

raising available funds to \$408.9 million. The House enacted \$393.9 million in direct appropriations with an additional \$13 million to be collected from fees. The Senate enacted the Senate Appropriations Committee recommendation of \$401.6 million, with \$8 million derived from fees. The Senate enacted a total of \$396.6 million, also with \$8 million derived from fees. The Senate transferred \$5 million from ITA to the provision of U.S. Travel and Tourism Promotion program. The Senate report (S.Rept. 109-88) contends that implementing the additional fees contained in the President's request and approved by the House "would significantly impair ITA's ability to provide trade assistance to small business." The Senate version went a step further containing language exempting the agency from the full-cost recovery provisions of OMB Circular A25.

The Conference Report enacted the appropriation level approved by the House (\$406.9 million), but adopted the offsetting fee collection amount of the Senate (\$8 million) resulting in a direct appropriation of \$398.9 million, \$10.7 million more than the FY2005 enacted level.

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 2,553 in FY2005. The House and Senate have approved \$25.8 million for executive administration and direction functions. ITA's export promotion activities were last authorized by the Jobs Through Trade Expansion Act (P.L. 103-392), which expired at the end of FY1996.

Manufacturing and Services Unit (MSU). The MSU carries out certain industry analysis functions of the former Trade Development Unit (TD), but it is also tasked with promoting the competitiveness and expansion of the U.S. manufacturing sector under the President's Manufacturing Initiative of March 2003. Congress 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. The FY2005 appropriation provided \$48.5 million for the MSU. The President requested \$47.4 million in direct obligations for FY2006 ; the House and the final Conference Report enacted this amount. The Senate would have provided \$43.1 million, shaving \$5 million from the Senate Appropriations Committee figure to allocate to the U.S. Travel and Tourism Promotion Program (see below). The Senate Committee provided earmarks for the following items traditionally within the funding provided for the MSU, \$13 million for the National Textile Center, \$3.5 million for the Textile/Clothing Technology Corporation, 1.5 million for the Textile Marking System, \$1.5 for Auburn University for advanced research and development of novel polymetrics. These earmarks were incorporated into the Conference Report.

Office of Travel and Tourism Industries (OTTI)⁷ The Consolidated Appropriations Resolution of 2003 (P.L. 108-7, Sec. 210) authorized the Secretary of Commerce to award \$50 million in grants to promote tourism to America in

⁷ This section was written by Kevin Kosar, Analyst in American National Government, Government and Finance Division.

Europe. The Office of Travel and Tourism Industries (OTTI) in the Department of Commerce was to run this campaign. Before the campaign began, however, Congress rescinded \$44 million of the appropriation.⁸ OTTI has scaled back its proposed activities and refocused the \$6 million campaign on the U.K. alone.⁹ The Visit America campaign began in late spring of 2004.¹⁰ In FY2005, Congress provided another \$10 million for the program (P.L. 108-447, Title II). For FY2006, the Senate bill would appropriate \$5 million for the U.S Travel and Tourism Promotion Program. Initially, the House approved no funding. As passed by the House and Senate, the conference report would provide \$4 million in funding to the program.

Market Access and Compliance Unit (MAC). The MAC monitors foreign country compliance with trade agreements, identifies compliance problems and market access obstacles, and informs U.S. firms of foreign business practices and opportunities. Congress enacted \$40.1 million for MAC in FY2005. The President requested \$39.8 million in FY2006, and the House, Senate and final Conference Report adopted this figure.

Import Administration Unit (IA). IA administers the trade remedy laws of the United States, including antidumping, countervailing duty, and safeguard actions. In FY2005, IA received an appropriation of \$64.5 million, of which no less than \$3 million is for the Office of China Compliance. The Administration has requested \$62.1 million for IA in FY2006, a figure enacted by the House. The Senate adopted \$64.1 million, the Administration's request plus \$2 million for additional placement and maintenance of overseas enforcement officers. The House designates \$3.0 million of its appropriations for the Office of China Compliance. The House report

⁸ P.L. 108-199, Title VII, enacted Jan. 23, 2004, included a \$40 million rescission of funds for the advertising program in Title VII. Section 215 of the law further rescinds \$100 million in unobligated Department of Commerce funding, some \$4 million of which, according to OTTI, was taken from the promotional campaign, leaving \$6 million for the Visit America campaign. A review of the hearing and the reports on the appropriation bills preceding the law that rescinded these funds did not reveal any disapproval of the advertising campaign; indeed, a number of Members and travel and tourism industry representatives voiced their enthusiasm for it. Exactly why these funds were rescinded is unclear; according to some reports, the funds were rescinded in the course of an effort to locate budget offsets. U.S. Congress, House Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, Travel and Tourism in America Today, hearing, 108th Cong., 1st sess., April 30, 2003 (Washington, GPO, 2003); U.S. Congress, House Committee on Appropriations, *Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, Fiscal Year 2004*, report to accompany H.R. 2799, 108th Cong., 1st sess., H.Rept. 108-221 (Washington, GPO, 2003); and U.S. Congress, Senate Committee on Appropriations, *Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, Fiscal Year 2004*, report to accompany S. 1585, 108th Cong., 1st sess., S.Rept. 108-44 (Washington, GPO, 2003).

⁹ Ibid.

¹⁰ Office of Travel and Tourism Industries press release, "U.S. Department of Commerce Names Marketing Contractor for International Tourism Promotion Campaign," March 19, 2004, [<http://tinet.ita.doc.gov/tinews/archive/20040319.html>], visited May 4, 2004.

expresses concern that the amount of antidumping and countervailing duty cases undertaken by IA has fallen “significantly” while the funding levels for IA have increased. It directs the unit to self-initiate investigations, and to engage in market trends analysis in order to anticipate unfair trade practices. The Conference Report adopts the House figure of \$62.1 million, and the \$3 million appropriation for the Office of China Compliance.

Trade Promotion/U.S. Foreign Commercial Service (TP/FCS). For FY2006, the Administration requested \$222.4 million for this Unit, with \$1.5 million dedicated for the Advocacy Center, \$2.5 million for the Trade Information Center, and \$2.1 million for the China and Middle East Business Center. In FY2005, the TP/FCS received an appropriation of \$220.7 million. The House, the Senate and Conference Report all have adopted an appropriation of \$231.7 million for FY2006. The House report provides \$1.0 for the Rural Export Initiative. The Senate version-subsequently adopted by the Conference- contains language exempting the agency from OMB Circular A25, the effect of which would relax the requirement for full cost recovery (through user fees) for the provision of trade promotion services.

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

USTR, located in the Executive Office of the President (EOP), is responsible for developing and coordinating U.S. international trade and direct investment policies. The President’s FY2006 request is \$38.8 million, \$2.2 million less than the amount appropriated by Congress in FY2005 (\$41.0 million). The House enacted an appropriation of \$44.8 million for USTR: 15.4% over the request and 9% over the current year appropriation. The House report (H.Rept. 109-118) maintained that funding levels proposed by the Administration remain inadequate for the operational requirements of USTR. The Senate adopted the amount of the current appropriation for FY2005, \$41 million. The Conference Report (H.Rept. 109-272) enacted the House level (\$44.8 million).

The USTR is responsible for advancing U.S. interests at the WTO and negotiating bilateral and regional free trade agreements (FTA). In the last year, the Administration has concluded FTAs with the 5 nations of the Central American Common Market, the Dominican Republic, and Bahrain, subject to Congressional approval, and Congress has approved FTAs with Australia and Morocco. The Administration is also conducting negotiations with the Southern African Customs Union, Panama, Colombia, Peru, Ecuador, Thailand, Kuwait, and Oman. The Office had 225 FTEs in FY2005. USTR was last authorized by the Trade Act of 2002 (P.L. 107-210) for FY2003 and FY2004.

The House Report expressed its concern over USTR’s commitment to intellectual property rights (IPR) enforcement. It notes that USTR has not taken an IPR enforcement case to the WTO. The Committee expressed “dismay” that the position of Chief Negotiator for Intellectual Property Enforcement, created by FY2005 appropriations language, remains vacant. Senate report language (S.Rept.109-88) directed USTR to report on the impact of this position by November 1, 2005. The House report also directs USTR to place at least 4 additional personnel in USTR’s IPR office. The Conference Report adopted this language by reference.

Sec. 631 of the Conference Report adopted language of both the House and Senate version to prevent USTR from including certain IPR-related parallel importation provisions in future trade agreements. Parallel importation occurs when products marketed by a patent holder in one country are imported into another country without the patent holder's permission. Recent U.S. free trade agreements with Morocco, Singapore and Australia protect the rights of a patent holder to prohibit the importation of parallel products from other countries. Parallel imports often occur because the price in one jurisdiction is often different than that in another due to regulatory or competitive reasons. Critics claim these provisions in trade agreements would hamper the ability of U.S. consumers to import cheaper pharmaceutical from other countries and would impair poor nations from obtaining inexpensive pharmaceuticals for national epidemics.

U.S. trade remedy laws were the subject of two amendments in Senate floor debate. One amendment introduced by Senator Dorgan (Amendment 1665) would have prohibited USTR from using appropriated funds to negotiate trade agreements that modify or amend trade remedy laws such as antidumping, countervailing duties, or safeguard actions. This measure was aimed at restricting the activities of the rules negotiations of the ongoing Doha Development Round. This provision was criticized by some business groups and drew a veto threat from the administration. The amendment was rejected by a vote of 39-60. A substitute amendment introduced by Senator Grassley (Amendment 1713) to provide that funds appropriated be used in a manner consistent with trade promotion authority was passed unanimously. Trade promotion authority requires the President to negotiate agreements that protect U.S. trade remedy laws.

NIPLECC

The Consolidated Appropriations Act of 2005 (P.L. 108-447) provided a direct appropriation of \$2 million for the National Intellectual Property Law Enforcement Coordinating Council (NIPLECC). The President's FY2006 submission did not request an appropriation for NIPLECC. The Senate provided \$500,000 for NIPLECC under the Patent and Trademark Office, but this earmark was not included in the Conference Report. This interagency council, which was created by the Treasury Appropriations Act of 2000 (P.L. 106-58) and funded by the participating agencies, previously had not received a direct appropriation. Its function is to coordinate the activities of government agencies with domestic and international intellectual property law enforcement functions. It is comprised of the of Director of the Patent and Trademark Office, the Assistant Attorney General, Criminal Division, the Under Secretary of State for Economic and Business Affairs, the Assistant U.S. Trade Representative, the Commissioner of Customs, and the Undersecretary of Commerce for International Trade.

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, along with the Import Administration Unit of ITA, is charged with administering various U.S. trade remedy laws. Its six commissioners are appointed by the President

for nine-year terms. As a matter of policy, its budget request is submitted to Congress by the President without revision.

In FY2006, ITC requested \$65.3 million, a \$4.5 million increase from the amount requested and appropriated by Congress in FY2005 (\$60.8 million). The House, the Senate, and the Conference Report (H.Rept 109-272) enacted an appropriation of \$62.8 million. This figure reflects a revised budget request provided to both committees of \$62.5 million. In FY2005, ITC had 380 employees. ITC was last authorized by the Trade Act of 2002 (P.L. 107-210) for FY2003 and FY2004.

Bureau of Industry and Security

The President's FY2006 request for the Bureau of Industry and Security (BIS) is \$77.0 million, a 14.1% increase from the \$67.5 million appropriated by Congress for FY2005. This figure was enacted by both the House and the Senate, but the funding level was cut to \$76 million by the Conference Report (H.Rept. 109-272). BIS administers export controls on dual-use goods and technology through its licensing and enforcement functions. It cooperates 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 also administers U.S. anti-boycott statutes, and it is charged with monitoring the U.S. defense industrial base. The agency had 418 full-time employees in FY2005. Authorization for the activities of BIS, the Export Administration Act (50 U.S.C. 2401, et seq), expired in August 2001. On August 17, 2001, President Bush invoked the authorities granted by the International Economic Emergency Powers Act (50 U.S.C. 1703(b)) to continue in effect the system of controls contained in the act and by the Export Administration Regulations (15 C.F.R., Parts 730-799). This authority was most recently extended on August 6, 2004 (69 Fed. Reg. 48763).

BIS divides its FY2006 funding request between licensing activity (\$37.8 million), enforcement activities (\$32.5 million), and management and policy coordination (\$6.7 million). This allocation was adopted by the Senate in committee report language, but the House allocation, which was adopted in the Conference Report, appropriated \$36.8 million, \$33.5 million, and \$6.65 million for these activities, respectively. The House and Senate also differed on the amount to be expended on national security related inspections. The Senate provides \$7.2 million for such activities; the House provides \$14.8 million. The Conference Report adopted the House figure.

Economic Development Administration¹¹

The President's FY2006 Budget proposed dramatic changes for the Commerce Department's Economic Development Administration (EDA), both in terms of its annual appropriation and, perhaps more importantly, in its role as the federal government's lead player in the realm of economic development. Although EDA has long been touted as the principal federal agency concerned with economic

¹¹ This section was written by Bruce Mulock, Specialist in Government and Business, Government and Finance Division.

development, reality has been quite different. EDA has functioned as but one of a host of agencies and programs providing various types of economic development assistance to a broad range of organizations and political entities, as well as to the Nation as a whole.

For FY2006, the Administration had requested a total appropriation of \$26.6 million, less than a tenth of last year's funding. Absent from this year's budget submission was any funding request for the agency's Economic Development Assistance Programs (EDAP). On the other hand, EDA's responsibilities would have been dramatically increased under the Administration's ambitious proposal.

On February 7, 2005, the Bush Administration released its budget recommendations for FY2006. Included in the budget was a proposal that would consolidate the activities of at least 18 existing community and economic development programs into a two-part grant proposal called the "Strengthening America's Communities Initiative." As outlined by the Administration, the proposal would have realigned several, but not all, federal economic and community development programs. Responsibility for the programs now being carried out by five federal agencies would have been transferred to EDA. The proposal called for EDA to administer the core programs and a bonus program, one which would have awarded additional funds to communities that had demonstrated efforts to improve economic conditions. While the Administration offered a general outline of the new programs, in the end it never submitted a detailed, comprehensive proposal for congressional consideration. It touted that the new program would emphasize flexibility, be results oriented, and targeted to communities based on need.

Both the House and Senate moved forward with appropriations for EDA in a manner which did not take into account the Administration's Strengthening America's Communities Initiative (SACI) proposal. (The SACI proposal had requested \$3.71 *billion*, a large part of which was to go to Social Service Block Grants—albeit at a greatly reduced level from FY2005 funding.) The House voted to approve the Appropriation Committee's recommendation of \$201 for the agency's Economic Development Assistance Programs (EDAP) and \$26.6 million for Salaries and Expenses (S&E), for a total FY2006 appropriation of \$227.6 million for EDA. In the Senate, the Appropriations Committee recommended a total of \$524.9 million. More specifically, the Senate committee recommended \$30.9 million for S&E and \$284 million for EDAP. The conference agreement (H.R. 2862/P.L. 109-108) provides EDA with a total appropriation of \$284.1 million, including \$30 million for S&E. More specifically, for FY2006 the agency is appropriated \$160.3 million for public works, \$44.7 million for economic adjustment, \$27 million for planning, \$13 million for trade adjustment, \$8.33 for technical assistance, and \$488,000 for research.

For FY2005, the Administration had requested a total appropriation of \$320.3 million for the Economic Development Administration. More specifically, it requested \$289.8 million for EDAP and \$30.6 million for S&E. The House approved these amounts. The Senate Appropriations Committee recommended a slightly lower amount for EDAP — \$285 million — and \$30.4 million for S&E, for a total appropriation of \$315.5 million for FY2005 (the same total amount the agency received for FY2004). During the September 15th floor debate on the appropriations

bill, two significant amendments dealing with emergency spending were adopted. As part of \$4.3 billion designated as emergency spending related to aiding victims of Hurricane Katrina (emergency spending does not count against the spending cap assigned by the budget resolution (H.Con.Res. 95)) \$210 million was provided for economic development activity in the disaster area. Some observers have surmised that EDA is the logical recipient of this emergency funding. Similarly, Senator Snowe introduced an amendment (S.Amdt. 1717), which was accepted, providing \$400 million to the Department of Commerce for bridge loans to small businesses. As one observer noted, EDA is more likely to assume spending authority for this funding than is the Census Bureau. The Senate bill did not include funding for the President's Strengthening America Initiative.

Regarding appropriations for FY2005, the Omnibus bill that was enacted reduced the agency's appropriation for EDAP, providing \$257.4 million or \$26.6 million less than EDA received for FY2004. Salaries and Expenses remained virtually unchanged at \$30.48 million, giving EDA a total FY2005 appropriation of \$287.9 million. It is perhaps worth noting that for FY2001, FY2002 and FY2003, Congress provided EDA with appropriations of \$439 million, \$365.6 million, and \$320.8 million, respectively.

Economic Development Challenge¹²

The President's FY2006 budget proposes creating a new entity, the Economic Development Challenge (EDC), which would administer the proposed \$3.71 billion dollar Strengthening America's Communities Grant Program. EDC would award grants to economically distressed communities for planning, infrastructure development, and business financing to achieve long-term economic stability and growth. The Administration did propose legislation for this new entity and program and Congress did not fund this proposed initiative.

Minority Business Development Agency¹³

The Minority Business Development Agency (MBDA) is charged with playing the lead role in the Federal Government for coordinating all minority business programs. For FY2006 the President's budget calls for providing the MBDA with \$30.7 million, an increase of \$828,000 or about 4.1 percent over the current appropriation. The House passed the Appropriation Committee's recommendation of \$30 million. The Senate Appropriations Committee has recommended \$30.7 million, the same amount proposed by the Administration. The Senate-passed version mirrored the Appropriation Committee's recommendation. Indeed, the conference agreement (H.R. 2862/P.L. 109-108) provides the MBDA with \$30.0 million for FY2006. FY2005 the Administration had requested \$34.46 million for the agency, an increase of nearly \$6 million over FY2004 funding. The House

¹² This title is coordinated by Kevin Kosar, Analyst in American National Government, Government and Finance Division.

¹³ This section was written by Bruce Mulock, Specialist in Government and Business, Government and Finance Division.

approved \$28.9 million. The Senate Appropriations Committee recommended \$31.55 million for the agency. The Omnibus bill provided the MBDA with \$29.9 million for FY2005, an increase of a little less than \$1.5 million over FY2004.

National Telecommunications and Information Administration¹⁴

For FY2006, Congress approved, and the President signed into law, a total of \$40.1 million for the National Telecommunications and Information Administration (NTIA) budget. The Bush Administration had requested \$23.5 million for the overall NTIA budget; the full House approved \$19.7 million for FY2006 on June 16 2005, while on June 23 the Senate approved \$62.3 million for the coming fiscal year. (For FY2005 NTIA's appropriations was \$38.7 million). However, the House-Senate conference agreement approved by Congress, and signed into law by President Bush, has provided overall funding consistent with past NTIA budgets. It should also be noted that the following appropriations figures do not include an across-the-board federal rescissions to offset the federal budget deficit.

The 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 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 also manages federal use of radio frequency spectrum domestically and internationally. Both the Administration and the House have requested that NTIA be reimbursed by other agencies for services it provides those agencies on spectrum management, analysis and research services. However, some have also argued that NTIA's role in spectrum management responsibilities should be broadened and expanded to include greater coordination across the federal government through an expanded budget and resources.

There are two major components to the NTIA budget. The first is Salaries and Expenses. For FY2006, NTIA's Salary and Expenses account will be funded at \$18 million. million and the Senate approved \$20.3 million (Congress appropriated \$17.2 million in FY2005). In the past, a large part of this program (\$7 million in FY2005) has been for management of the federal government's use of radio spectrum. In FY2006, the NTIA is to use existing funds to manage this portion of the program, until exhausted. Also, as in previous years, the appropriation includes language allowing the Secretary of Commerce to collect reimbursements from other Federal agencies to offset a portion of the cost of coordination of spectrum management, analysis, and operations. For the second component, the Public Telecommunications Facilities, Planning and Construction (PTFPC) program, NTIA has a budget of \$22

¹⁴ This section was written by Glenn McGloughlin, Specialist in Technology and Telecommunications Policy, Resources, Science, and Industry Division.

million for FY2006 (Congress provided \$21.4 million for this program in FY2005). In its annual request, the Bush Administration had asked that funding for the PTFPC program end in FY2006, except for a carryover of \$2 million to fulfill current program functions. The House approved this request., while the Senate approved \$22 million for continued funding.

For the PTFPC program, the House noted that as of March 2005, 307 of 356 (93.9%) public television stations are now transmitting a digital signals, indicating that the program has successfully achieved its goals. However, others contend that this issue is part of a larger concern about public broadcasting in general, and support for the Corporation for Public Broadcasting specifically; and until all stations are broadcasting with digital technology, the program should be supported and funded.

A third component the Technologies Opportunities Program (TOP), was eliminated in the FY2005 appropriations act. While the Senate restored \$15 million to this program for FY2006, it was not included in the final FY2006 appropriations act signed by President Bush.

National Technical Information Service¹⁵

Following the National Technical Information Act (P.L. 100-519), as amended in 1992 by the American Technology Preeminence Act (P.L. 102-245), congressional policymakers did not appropriate any funding for the National Technical Information Service (NTIS) for FY2006. Instead, funding for NTIS continues to be drawn from NTIS' Revolving Fund, established by the Commerce, Justice, State Appropriations Act for FY1993 (P.L. 102-395). In part, due to NTIS' efforts to develop new products and limit spending, NTIS achieved a positive net income of \$508,000 for FY2004. This compares with a positive net income of \$10,000 for FY2003, \$1.346 million for FY2002, and \$2.290 million for FY2001.

The NTIS is part of the Technology Administration at the Department of Commerce. The NTIS was established within the Department of Commerce in 1970, although its origins can be traced back to World War II with the creation of the Publications Board in 1945. The Publications Board collected classified scientific and technical information related to the war effort to be considered for release to the general public. These functions were formalized in 1950 with the establishment of the Clearinghouse for Federal Scientific and Technical Information within the Bureau of Standards, which were later transferred to the newly created NTIS in 1970.

According to its website [<http://www.ntis.gov/>], NTIS serves as “the federal government’s central source for the sale of scientific, technical, engineering, and related business information by or for the U.S. government and complementary materials from international sources.” Its mission is to support “the nation’s economic growth and job creation by providing access to information that stimulates innovation and discovery.” The NTIS claims to hold approximately 3 million government information products, with 600,000 of these documents available

¹⁵ This section was written by Jeffrey W. Seifert, Analyst in Information Science and Technology Policy, Resources, Science, and Industry Division.

through its online searchable database. In addition, NTIS offers a variety of fee-based services to federal agencies. These services include, but are not limited to, distribution of information products, support services, web development, multimedia production, and custom research services.

The advent and rapid growth of and electronic and multimedia publishing both challenges and affirms the role of NTIS. On the one hand, the growth of the Internet and electronic documents has been attributed, in part, to a decline in NTIS sales as more documents become available online at no charge from other sources. In addition, the emergence of a range of new information brokers raises the question of whether or not the services NTIS provides are redundant and/or directly compete with those provided by private sector companies. On the other hand, the dynamic nature of online content means that websites and their content can move location or even disappear without notice. Moreover, even in the case of websites that are well established and relatively consistent in maintaining content, there is no guarantee that online materials will be archived or remain available indefinitely. In contrast, part of NTIS' responsibilities include maintaining a "permanent repository" of information.

Bureau of the Census¹⁶

To fund the Bureau of the Census in FY2006, President Bush requested a total of \$877.4 million: \$220 million for salaries and expenses, and \$657.4 million for periodic programs, including the decennial census. The total request exceeded the FY2005 enacted amount of \$744.8 million (after rescissions) by \$132.6 million. Much of the increase was due to accelerated planning for the 2010 census. The Bureau anticipates a redesigned short-form census, to be answered by all U.S. households. Also, the Bureau intends to replace the census long form with the American Community Survey (ACS), which collects data annually from a sample of households.

The request for the 2010 census faced challenges in FY2006, as it did in FY2005. During consideration of FY2005 Commerce, Justice, and State, the Federal Judiciary, and Related Agencies' appropriations (H.R. 4754, 108th Congress), the House defeated an amendment by Representative Hefley to eliminate that year's funding for the short-form census. Mr. Hefley deemed the effort to redesign the short form excessively expensive. Also defeated was an amendment by Representative Paul that sought to prohibit the use of FY2005 funds for the American Community Survey. Mr. Paul expressed concern, recurrent among various Members of Congress, that the ACS constitutes an unwarranted invasion of respondents' privacy (*Congressional Record*, daily edition, vol. 150, July 7, 2004, pp. H5279-H5280, H5292-H5293, H5318).

For FY2006, the House Appropriations Committee recommended that the Census Bureau receive \$832.2 million, \$45.1 million below the Administration's request. Of the total amount recommended, \$208 million (\$12 million less than requested) was for salaries and expenses; \$624.2 million (\$33.1 million less than

¹⁶ This section was written by Jennifer D. Williams, Government and Finance Division.

requested) was for periodic programs. The committee's recommended amount for the re-engineered short-form census was \$213.8 million and for the ACS, \$169.9 million. During House consideration of H.R. 2862, however, Representative Baird proposed an amendment to cut \$10 million from the committee-recommended FY2006 salaries and expenses account and another \$10 million from funds for short-form census redesign. Viewing certain Census 2000 promotional activities as having been wasteful, re-engineering the short-form census as an "awfully expensive revision," and efforts to fight crime (especially drug-related crime) as the more urgent priority, Representative Baird proposed that the \$20 million diverted from the Census Bureau be equally divided between the Department of Justice's Drug Enforcement Administration and Community Oriented Policing Services program. Despite opposition from House Appropriations Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies Chairman Wolf, subcommittee ranking Member Mollohan, and Government Reform Subcommittee on Federalism and the Census Chairman Turner, the Baird amendment won approval on a roll-call vote (260-168, with five Members not voting; Roll No. 248) (*Congressional Record*, daily edition, vol. 78, June 14, 2005, pp. H4458, H4469).

The Senate Appropriations Committee recommended, and the full Senate approved, \$727.4 million for the Census Bureau in FY2006, \$150 million less than the Administration requested. In the Senate-passed bill, the salaries and expenses account would have received \$183 million (\$37 million below the request); periodic programs would have received \$544.4 million (\$113 million short of the request). The appropriation for each of these accounts would have been less than in FY2005. Under salaries and expenses, the committee expressed particular concern that the Bureau's reports on manufacturing, general economic statistics, and foreign trade statistics be maintained and issued in a timely manner. Under periodic programs, the committee recommended \$390 million for the decennial census, designating not less than \$79.8 million of this amount for the Master Address File/Topologically Integrated Geographic Encoding and Referencing (MAF/TIGER) System. The Bureau relies on MAF/TIGER to direct census questionnaires to the correct housing units. The amount of ACS funding was not broken out separately. The committee noted its support for the Bureau's efforts to maximize the accuracy and cost effectiveness of the 2010 census, and encouraged the Bureau to minimize the number of expensive in-person visits to housing units for non-response followup. (The conference report on H.R. 2862, P.L. 109-108, reiterated the latter point.)

In a "Statement of Administration Policy" released September 8, 2005, shortly before the Senate acted on H.R. 2862, the Office of Management and Budget observed about the Senate's impending \$150 million (17%) reduction in the request for the Census Bureau:

This reduction would suspend the American Community Survey, increase the lifecycle cost of the 2010 Census by over \$1 billion, and lead to a less accurate Census. ... The bill also would jeopardize the accuracy of the national income accounts and lead to the elimination of important economic data series. (The statement is available at [<http://www.whitehouse.gov/omb/legislative/sap/109-1/hr2862sap-s.pdf>].)

The conference report on H.R. 2862, P.L. 109-108, included the House-proposed total operating level of \$812.2 million (subject to rescission) for the Census Bureau: \$198 million for salaries and expenses, and \$614.2 million for periodic programs, with \$453.6 million of the latter account designated for 2010 census-related expenses.

The conferees directed the Bureau “to submit a financial operating plan within 60 days of enactment of this act outlining the allocation of funding provided by this act.” The plan is to address the Bureau’s “highest priority needs,” such as short-form census redesign, the ACS, and MAF/TIGER, and is to provide the full amounts in the budget request for the ACS and MAF/TIGER. The conferees expressed their expectation that the ACS methods panel would streamline data collection techniques and make the survey questions clear “to elicit correct responses.” The conferees commended the Bureau’s efforts to ensure accurate enumeration of Hispanic subgroups and directed the Bureau to continue including “some other race” as an option for reporting race (*Congressional Record*, daily edition, vol. 151, Nov. 7, 2005, pp. H9779-H9780).

The conferees further directed the Bureau, within 90 days after the act becomes law, to conduct and report to the Appropriations Committees the findings of “a study on using prisoners’ permanent homes of record, as opposed to their incarceration sites, when determining their residences” for census enumeration (*ibid.*, p. H9779). Current census residence rules require prison populations to be counted where the prisons are located. Prisoners’ home jurisdictions thus may lose these persons for purposes like apportionment and any distribution of federal funds based on census counts; some of the jurisdictions have objected to this situation.

U.S. Patent and Trademark Office¹⁷

The U.S. Patent and Trademark Office (USPTO) examines and approves applications for patents on claimed inventions and administers the registration of trademarks. It also assists other federal departments and agencies protect American intellectual property in the international marketplace. The USPTO is funded by user fees paid by customers that are designated as “offsetting collections” and subject to spending limits established by the Appropriations Committee.

The Administration’s FY2006 budget request included \$1.703 billion in budget authority for the USPTO, 10.2% above FY2005. According to the Administration, the Office was to have “full access” to all fees collected in FY2006. H.R. 2862, as originally passed by both the House and the Senate, also provided \$1.703 billion for the USPTO. The Senate version of the initial bill also directed that \$500,000 be utilized for the National Intellectual Property Law Enforcement Coordinating Council (see p. 21 for more on NIPLECC). However, the final FY2006 appropriations legislation, P.L. 109-108, gives the USPTO the budget authority to spend \$1.683 billion, almost 9% above the earlier fiscal year. This lesser amount is due to a revision of estimated fee collections by the USPTO itself.

¹⁷ This section was written by Wendy Schacht, Specialist in Science and Technology, Resources, Science, and Industry Division.

For FY2005, the Omnibus Appropriations Act gave the USPTO the authority to spend \$1.545 billion. A major portion of this funding was to be from fees collected under existing statutory authority. In addition, Title VIII of the Omnibus Appropriations Act created a new (temporary) fee structure that was expected to generate an additional \$219 million in FY2005. This budget authority represented a 27% increase over that provided in FY2004.

Beginning in 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.

Technology Administration/Office of the Under Secretary of Technology¹⁸

The Technology Administration and the Office of the Under Secretary of Technology in the Department of Commerce advocates national policies that foster technology development to stimulate economic growth, conducts technology development and deployment programs, and disseminates technological information. The Office of the Under Secretary for Technology also manages and supervises the activities of the National Institute of Standards and Technology and the National Technical Information Service.

The President's FY2006 budget requested \$4.2 million for the Office of the Under Secretary for Technology. This figure was 35% below the \$6.5 million appropriated in FY2005. H.R. 2862, as originally passed by the House, would have provided \$6.5 million. The initial Senate-passed version of the bill included funding (but no specific amount) under the Departmental Management account. The final FY2006 appropriations legislation, P.L. 109-108, includes \$6.0 million in financing for this Office. (Please note that the legislation also includes a 0.28% rescission on all discretionary budget authority.)

National Institute of Standards and Technology¹⁹

The National Institute of Standards and Technology (NIST) is a laboratory of the Department of Commerce. The organization's mandate is to increase the competitiveness of U.S. companies through appropriate support for industrial development of pre-competitive generic technologies and the diffusion of government-developed technological advances to users in all segments of the American economy. NIST research also provides the measurement, calibration, and

¹⁸ This section was written by Wendy Schacht, Specialist in Science and Technology, Resources, Science, and Industry Division.

¹⁹ This section was written by Wendy Schacht, Specialist in Science and Technology, Resources, Science, and Industry Division.

quality assurance techniques that underpin U.S. commerce, technological progress, improved product reliability, manufacturing processes, and public safety.

The President's FY2006 budget requested \$532 million in funding for NIST, a 24% decrease from FY2005 due primarily to an absence of support for the Advanced Technology Program (ATP) and a significant cut in financing for the Manufacturing Extension Partnership (MEP). Included in the total figure was \$426.3 million for the Scientific and Technology Research and Services (STRS) account that primarily supports the laboratory's internal R&D activities. This amount was 12.5% above the previous fiscal year (and included \$5.7 million for the Baldrige National Quality Program). MEP would have been funded at \$46.8 million, 56% below FY2005 support. The construction budget was to be \$58.9 million.

H.R. 2862, as originally passed by the House, would have provided \$548.7 million for NIST, 21% below FY2005 funding. The STRS account was to receive \$397.7 million, 5% more than FY2005 but 6.7% below the President's request. Financing for MEP would total \$106 million, a decrease of 1.4% from the previous fiscal year and over twice the Administration's budget request. There was no funding for ATP. Construction activities would have received \$45 million.

The version of H.R. 2862 initially passed by the Senate funded NIST at \$844.5 million, almost 21% above the FY2005 budget. Included in this amount was \$399.9 million for the STRS account (incorporating \$7.2 million for the Quality Program), an increase of 5.6% over previous funding. MEP would have received \$106 million. Support for ATP, absent from both the President's budget request and the House-passed bill, would total \$140 million, 2.6% more than the financing provided in FY2005. The construction budget would total \$198.6 million, more than double the previous figure. This construction funding was over three times that proposed by the Administration and more than four times that included in the House version of the bill.

Subsequently, the final FY2006 appropriations legislation, P.L. 109-108, provides \$761.8 million for NIST, an increase of almost 9% over funding in FY2005. Support for the STRS account totals \$399.9 million and includes \$7.1 million for the Quality Program. This amount is an increase of 5.6% over the previous fiscal year. The Manufacturing Extension Partnership is to receive \$106 million and the Advanced Technology Program is financed at \$80 million. The funding for MEP is a small decrease from FY2005 while support for ATP declines 41% from the earlier figure. The construction budget more than doubles to \$175.9 million. (Please note that the legislation also includes a 0.28% rescission on all discretionary budget authority.)

For FY2005, the Omnibus Appropriations Act, P.L. 108-447, provided the NIST with \$699.2 million (after a mandated 0.8% across-the-board rescission and a 0.54% rescission from Commerce, Justice, State discretionary accounts). This amount was 12.5% above FY2004 funding. Internal research and development under the STRS account received \$378.8 million (including funding for the Baldrige National Quality Program), almost 12% over the previous fiscal year. The Manufacturing Extension Partnership was funded at \$107.5 million, an increase of 178% that brought support for the program up to pre-FY2004 levels. The Advanced

Technology Program was financed at \$136.5 million (20% below FY2004) and the construction budget received \$72.5 million. The legislation also rescinded \$3.9 million of unobligated balances from prior year funds in the ATP account.

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 that it assists businesses (and small manufacturers) in developing technologies that, while crucial to industrial competitiveness, would not or could not be developed by the private sector alone. While Congress has maintained (often decreasing) funding for the Advanced Technology Program, the initial appropriation bills passed by the House since FY2002 failed to include financing for ATP. For FY2006, support again was provided for the program, but the amount is 41% below that included in the FY2005 appropriations legislation.

The budget for the Manufacturing Extension Partnership, another extramural program administered by NIST, was an issue during 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 Consolidated 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.” However, P.L. 108-447 restored financing for MEP in FY2005 to the level that existed prior to the 63% reduction taken in FY2004. This increased level of support has been maintained for FY2006.

National Oceanic and Atmospheric Administration (NOAA) ²⁰

NOAA is the largest agency of the Department of Commerce (DOC) in terms of funding. For FY2006 NOAA accounted for about 61% of DOC’s budget request of \$5.8 billion (not including funding of \$3.7 billion requested for the President’s “Economic Development Challenge”). In February 2005 President Bush requested \$3.58 billion for NOAA for FY2006. At a February 7, 2005 budget briefing NOAA’s Administrator stated that the agency would be one of few for which the President was seeking discretionary funding increases. On June 16, 2005, the House appropriated \$3.38 billion for NOAA in H.R. 2862 (amended), Science, State, Justice, Commerce Appropriations, 2006 (hereafter, SSJC Appropriations). On June 23, 2005, the Senate Appropriations Committee recommended \$4.47 billion for NOAA in H.R. 2862. On September 13, the Senate approved an additional \$0.5 billion for the National Weather Service (NWS). H.R. 2862 was reported out of the conference on November 7, 2005 (H.Rept. 109-272). Conferrees approved \$3.94 billion for NOAA. Title VII of the report calls for a rescission of \$25 million from

²⁰ This section was prepared by Wayne A. Morrissey, Science and Technology Information Analyst, Resources, Science, and Industry Division.

unobligated balances in NOAA accounts. Title VI, §638 calls for a 0.28% rescission for all discretionary accounts funded by H.R. 2862. H.Rept. 109-272 was approved by the House on November 8, 2005 and the Senate on November 16, 2005. H.R. 2862 was enacted as P.L. 109-108, on November 22, 2005.

The President's Budget. President Bush requested \$3.58 billion for NOAA for FY2006, which is \$210 million, or 6.2%, more than the \$3.37 billion he requested for FY2005. (See **Table 4**, below.) The request is \$330 million, or 8.4%, less than the FY2005 NOAA appropriation of \$3.91 billion. Funding requested for NOAA's five Operations, Research and Facilities (ORF) line offices, the Office of Program Planning and Integration (OPPI), and Program Support was \$2.44 billion. Also, \$965.1 million was requested for NOAA's Procurement, Acquisition, and Construction (PAC) account. A net sum of \$85 million was requested for NOAA's Other Accounts, including \$90 million for the Pacific Coastal Salmon Recovery Fund (PCSRF); a \$3 million transfer from Coastal Zone Management Fund (CZMF); and a cut of \$2 million for U.S. fishery obligations.²¹ President Bush had proposed savings of \$427.0 million in discretionary funding (from FY2005 appropriation levels) through NOAA-wide terminations of programs he identified as "unauthorized earmarks." The largest ORF funding cut was proposed for the National Ocean Service (NOS)'s Ocean Health Initiative. Most PAC program savings would be from collective land acquisition and construction projects funded by the Coastal and Estuarine Land Conservation Program (CELCP). However, the Administration proposed increases for NOAA satellite hardware, ecosystems activities, completion of a third authorized fisheries research vessel, and procurement of a fourth.

House Appropriations. The House passed H.R. 2862, SSJC Appropriations on June 16, 2005 and provided \$3.38 billion for NOAA. The House Appropriations Committee recommended \$3.43 billion for NOAA (H.Rept. 109-118, June 10, 2005). The House appropriation is \$500 million, or 4.2%, less than the President's request for NOAA for FY2006 of \$3.58 billion and about \$480 million, or 12.3%, less than the FY2005 House appropriation of \$3.91 billion (after a 0.8% rescission). House committee recommendations included \$2.44 billion for ORF; \$936 million for PAC; and a net sum of \$46 million for NOAA's Other Accounts. A negative balance in NOAA's fisheries accounts, in effect, reduced the \$50 million recommended for PCSRF by \$4 million. The committee recommended transfers to ORF of \$77 million from the PDAFF and \$3 million from the CZMF. Additional budget authority of \$19 million would be derived from previous fiscal year deobligations. On June 14, 2004, the House agreed to H.Amdt. 260 to H.R. 2862 that cut committee recommendations for ORF by \$50 million.²²

²¹ For more detailed information on NOAA's FY2006 budget, see CRS Report RS22109, *The National Oceanic and Atmospheric Administration (NOAA) Budget for FY2006: President's Request, Congressional Appropriations, and Related Issues*, by Wayne Morrissey.

²² H.Amdt. 260 to H.R. 2862 sponsored by Rep. Dreier (CA). In floor debate, Rep. Mollohan reported that the reduction in ORF funding would be applied as follows: NOS-\$8 million, NMFS-\$12 million, OAR-\$7 million, NWS-\$14.9 million, NESDIS-\$3 million; and Program Support-\$5 million. *Congressional Record*, Jun. 14, 2005: H4464-5.

Bush Administration Statement. On June 14, 2005 OMB released a statement on SSJC Appropriations for FY2006. OMB indicated President Bush's support for passage of H.R. 2862 as reported by the House (H.Rept. 109-118). Specifically, the House was urged to provide requested funding levels for climate research and key ocean and coastal programs, construction of a fourth fishery research vessel, and protected species/fisheries research and management programs.

Senate Version of H.R. 2862. On September 13, 2005, the Senate passed H.R. 2862 (amended) approving S.Amdt. 1656 (Shelby), which provided an additional \$0.5 million for 43 new full-time equivalent positions for the NWS National Hurricane Center for hurricane watches, for a total NOAA budget of \$4.48 billion. On June 23, 2005, the Senate Appropriations Committee recommended \$4,476.0 million for NOAA (S.Rept. 109-62). The Senate-passed H.R. 2862 is \$1.1 billion, or 33%, more than the House appropriation; \$901 million, or 27%, more than the request; and \$574 million, or 14.6%, more than the FY2005 appropriation. The committee recommended \$3.21 billion for ORF; \$1.20 billion for PAC; and a net sum of \$78.0 million for NOAA's other accounts, including \$90 million for PCSRF, \$3 million in transfers to ORF from the CZMF, and a cut of \$9 million from Fisheries Finance programs. The committee also recommended expenditures of \$666.2 million for NOAA-wide implementation of recommendations in the final U.S. Oceans Commission report to build on existing programs at NOAA. The amount was \$147 million more than FY2005 funding (reallocated for FY2006) and \$306 million more than the request based on recommendations in the President's *Oceans Action Plan* released in response to the OPC report.²³

Second Bush Administration Statement on H.R. 2682 (Amended). In a September 8, 2005 "Statement of Administration Policy," President Bush expressed concern that funding recommended by the Senate Appropriations Committee and approved by the Senate for an "Ocean Commission Initiative," exceeded funding requested for the *Ocean Action Plan* by \$890 million.

²³ For more information on OPC recommendations and President's Action Plan for NOAA, see CRS Issue Brief IB10132, *Ocean Commissions: Ocean Policy Review and Outlook*, by Eugene H. Buck, et al.

Table 4. NOAA Budget Request and Appropriations
(\$millions)

5 Line Offices, Program Support, and OPPI	P.L. 108-447 ^{a,b}	FY2006 Req.	H.R. 2862 ^c	Senate Amdt. H.R. 2862 ^d	H.Rept. 109-272
1. National Ocean Service (NOS)	544.4	394.2	374.2	613.5	500.0
2. NOAA Fisheries (NMFS)	668.8	625.5	544.6	763.8	678.5
3. NOAA Research (OAR)	406.0	361.7	319.3	470.1	373.7
4. National Weather Service (NWS) ^e	699.1	744.8	744.2	772.8	745.3
5. NOAA Satellites (NESDIS)	176.9	154.0	155.3	180.4	179.3
Program Support	345.4	342.0	355.4	402.5	356.4
Office of Planning & Pgm. Integrat.	2.5	2.0	0.0	0.0	0.0
Offsets (transfers/deobligations)	(73.6)	(93.0)	(96.0)	— ^f	(70.0)
Total Ops, Res., & Fac. (ORF)	2,769.5	2,531.2	2,397.0	3,203.0	2,763.2
Total Proc., Acq. & Constr. (PAC)	1,039.4	965.1	936.0	1,195.0	1,124.3
Other Accounts/PCSRF/CZMF	78.3	85.0	46.0	78.0	58.5
NOAA Total^g	\$3,887.2	\$3,581.3	\$3,379.0	4,476.0	3,946.0

Source: Compiled by CRS from FY2005 and FY2006 congressional appropriations documents. Totals were revised to reflect House tables included in *Congressional Record*, November 15, 2005: E2350-2351.

Notes:

- a. P.L. 108-447 figures reflects a 0.80% across the board rescission leveled on CJS appropriations for FY2005.
- b. NOAA received emergency supplemental appropriations for FY2005 of \$38 million for the NWS, including \$24 million for ORF, and \$14 million for PAC. These amounts are not included in the FY2005 appropriation, House appropriations, or Senate Appropriations Committee recommendations.
- c. Funding recommendations reported by the House Appropriations Committee for SSJC Appropriations, FY2006, (H.Rept. 109-118, June 10, 2005). (See footnote 16.)
- d. Funding recommended by the Senate Appropriations Committee (S.Rept. 109-88 on H.R. 2862, June 23, 2005).
- e. In response to Hurricane Katrina, Senate figure for NWS includes \$5.8 million, a \$0.5 million increase for 43 full-time equivalent positions at the National Hurricane Center as proposed in S.Amdt. 1656 and approved by the Senate on September 13, 2005.
- f. The Senate-passed H.R. 2862 approved a \$67million transfer from PDAFF to ORF, but that amount was not offset from original recommendations for each ORF budget line in the Senate funding table.
- g. Total for H.Rept. 109-272 excludes \$25 million rescission from unobligated balances required by Title V of H.R. 2862, "Rescissions," and Title VI, General Provisions, §638, which requires a rescission of budget authority of 0.28% for all accounts under this act (H.R. 2862).

Related Budget Issues. Factors which affected NOAA's FY2006 budget outcome included the following:

- Additional funding for NOAA/NWS in the aftermath of Hurricane Katrina. (See **Note e** above.)
- Questioning whether NOAA could sustain its mission after the House reduced its budget for FY2006 by \$540 million, or 13.8 percent;
- Disagreement between the Senate, the House, and the Administration about funding for an "Ocean Commission Initiative."
- Restoration in conference of funding for a number of programs that were cut by the House or recommended for termination by the President.
- FY2005 emergency appropriations funded international tsunami warning efforts and for meeting long-term ocean environment observation goals through development of the Administration-backed Global Environmental Observation System of Systems (GEOSS); however, these were scored as FY2006 appropriations by Congress.²⁴
- NOAA and partners NASA and DOD faced slipping deployment schedules for launch of the National Polar Orbiting Environmental Satellite System (NPOESS) and implementation of ground-based systems architecture, which prompted a hearing on NPOESS funding and program management.
- Congress began deliberations on legislation to authorize all of NOAA's programs and activities under a single legal authority, otherwise known as an organic act.²⁵

Related Legislation

H.R. 50 (Ehlers)

Would amend present law to re-establish the National Oceanic and Atmospheric Administration in the Department of Commerce, reorganize the administration of NOAA, and place within NOAA: (1) the National Weather Service; (2) programs to support operations of ongoing data collection and direct services and products regarding satellite, observations, and coastal, ocean, and Great Lakes information; (3) programs to conduct and support research and education and the development of technologies relating to weather, climate, and the coasts, oceans, and Great Lakes; and (4) a Science Advisory Board. Introduced January 4, 2005, referred to House Subcommittee on Environment, Technology, and Standards on February 10, 2005. It was marked up on March 13, 2005 by the House Science Subcommittee on Environment, Technology, and Standards, and the House Science Committee on May 17, 2005 and ordered reported. It was referred to the House Resources Subcommittee

²⁴ For additional information about tsunami warning systems and funding, see CRS Report RL32739, *Tsunamis: Monitoring, Detection, and Early Warning Systems*, by Wayne Morrissey.

²⁵ For information about a possible NOAA organic act, see CRS Report RS22109, by Wayne Morrissey.

on Fisheries Conservation, Wildlife and Oceans on February 3, 2005 and subcommittee hearings were held on May 19, 2005. There has been no further legislative action.

H.R. 337 (Maloney)

Would amend present law to make the term of office of the Director of the Census five years and require that the Director of the Census report directly to the Secretary of Commerce. House Committee on Government Reform on Jan 25, 2005.

H.R. 449 (Camp)

Would establish the position of Assistant Secretary of Commerce for Job Retention and Creation to gather information about economic development assistance. Referred to the House Committee on Energy and Commerce on February 1, 2005.

H.J.Res. 53 (Miller-MI)

Proposes to amend the U.S. Constitution to provide for apportioning the House of Representatives on the basis of the number of U.S. citizens, not persons, in each state. If the amendment went into effect, the decennial census short form would have to include a question about citizenship. Introduced June 9, 2005, and referred to the House Committee on the Judiciary.

S. 14 (Stabenow)

Would amend present law to: (1) revise and extend the requirement that the U.S. Trade Representative identify and report on trade expansion priorities; and (2) establish the position of Chief Enforcement Negotiator. Also would provide assistance to workers in areas negatively affected by international trade. Referred to the Committee on Finance on January 24, 2005.

S. 50 (Inouye)

Would attempt to strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program. Referred to the Committee on Commerce, Science, and Transportation on January 24, 2005, which ordered S. 50 to be reported as an original measure on February 2, 2005. Ordered to be reported by Committee on Commerce, Science, and Transportation on March 10, 2005. Reported with an amendment in the nature of a substitute and Placed on Senate Legislative Calendar under General Orders. Calendar No. 75. on April 19. Passed by unanimous consent on July 1, 2005. Received in House on July 11, 2005 and referred to the Subcommittee on Fisheries and Oceans and the Subcommittee on Economic Development, Public Buildings and Emergency Management.

S. 148 (McCain)

Would amend the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.) to establish the United States Boxing Commission as a commission within the Department of Commerce and provide regulations for the sport and industry of boxing. Referred to the Senate Committee on Commerce, Science, and Transportation on January 25, 2005. Reported by Committee on Commerce, Science, and Transportation without amendment and placed on Senate Legislative Calendar under General Orders (No. 72) on April 13, 2005. Passed Senate without amendment

by unanimous consent May 9. Received in the House the following day. Referred to the Subcommittee on Commerce, Trade and Consumer Protection on May 23 and the Subcommittee on Workforce Protections on May 31.

S. 1224 (Boxer)

Reintroduced for Senator Hollings, *the National Ocean's Protection Act of 2005* would establish NOAA as an independent agency and confer all former NOAA-related authorities of the Secretary of DOC to the NOAA Administrator. It was referred to the Senate Science Commerce and Transportation Committee on June 9, 2005.

Table 5. FY2006 Funding for the Department of Commerce and Related Agencies
(\$ millions in budget authority)

Bureau or Agency	FY2005 Enacted	FY2006 Request	House	Senate	P.L. 108-109 ^c
International Trade Administration	\$388.3	\$395.9	\$393.9	\$396.6	\$398.9
Bureau of Industry and Security	\$67.5	\$77.0	\$77.0	\$77.0	\$76.0
Economic Development Administration	\$284.1	\$26.6	\$227.6	\$524.9	\$284.1
Economic Development Challenge	—	\$3,710.0	—	—	—
Minority Business Development Agency	\$29.5	\$30.7	\$30.0	\$30.7	\$30.0
Economic and Statistical Analysis	\$78.9	\$85.3	\$80.3	\$81.3	\$80.3
Bureau of the Census	\$744.8	\$877.4	\$812.2	\$727.4	\$812.2
National Telecommunications and Information Administration	\$38.7	\$23.5	\$19.7	\$62.3	\$40.1
Patent and Trademark Office ^a	(\$1,544.8)	(\$1,703.0)	(\$1,703.0)	(\$1,703.0)	(\$1,683.1)
Technology Administration	\$6.5	\$4.2	\$6.5	—	\$6.0
National Institute of Standards and Technology	\$699.2	\$532.0	\$548.7	\$844.5	\$761.8

Bureau or Agency	FY2005 Enacted	FY2006 Request	House	Senate	P.L. 108-109 ^c
National Oceanic and Atmospheric Administration	\$3,925.2	\$3,581.2	\$3,379.0	\$4,476.0	\$3,946.0
Departmental Management	\$78.7	\$106.3	\$70.2	\$72.4	\$74.3
Other	\$209.1	—	—	—	—
<i>Department of Commerce Subtotal:</i>	<i>\$6,550.4</i>	<i>\$9,450.0</i>	<i>\$5,645.1</i>	<i>\$7,293.1</i>	<i>\$6,509.7</i>
U.S. Trade Representative	\$41.0	\$38.8	\$44.8	\$41.0	\$44.8
International Trade Commission	\$60.8	\$65.3	\$62.8	\$62.8	\$62.8
National Intellectual Property Law Enforcement Coordination Council	\$2.0	—	—	— ^b	—
<i>Related Agencies Subtotal:</i>	<i>\$103.8</i>	<i>\$104.1</i>	<i>\$107.6</i>	<i>\$103.8</i>	<i>\$107.6</i>
Rescission	—	—	(\$35.0)	—	— ^c
Title II Total:	\$6,654.2	\$9,554.1	\$5,752.7	\$7,396.9	\$6,617.3

Sources: P.L. 108-447; U.S. House of Representatives, Committee on Appropriations, H.Rept. 109-118, tables at pp. 176-192; and U.S. Senate amendment of H.R. 2862 on September 15, 2005, and H.Rept. 109-272, crosswalk tables at Congressional Record, Nov. 15, 2005, pp. E2349-2351.

- 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.
- b. Senate bill would have had U.S. PTO provide \$500,000 for NIPLECC.
- c. These amounts do not include the rescission of .28 percent to all discretionary accounts ordered in Sec. 638(a) or the specific rescissions found in Title VII of H.Rept. 109-272.

Related CRS Products

CRS Report RL32647, *Government Advertisement of Tourism: Recent Action and Long-Standing Controversies*, by Kevin R. Kosar.

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

CRS Report RL31252, *State and Local Sales and Use Taxes and Internet Commerce*, by Steven Maguire.

CRS Report RL31293, *E-Commerce Statistics: Explanation and Sources*, by Rita Tehan.

- CRS Report 97-104, *Manufacturing Extension Partnership Program: An Overview*, by Wendy H. Schacht.
- CRS Report 95-30, *The National Institute of Standards and Technology: An Overview*, by 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 RL31832, *The Export Administration Act: Evolutions, Provisions, and Debate*, by Ian F. Fergusson.
- CRS Report RS20906, *U.S. Patent and Trademark Office Appropriations Process: A Brief Explanation*, by Wendy H. Schacht.
- CRS Issue Brief IB91132, *Industrial Competitiveness and Technological Advancement: Debate Over Government Policy*, by Wendy H. Schacht.
- CRS Report RS21469: *The National Telecommunications and Information Administration (NTIA): Budget, Programs, and Issues*, by Glenn McGloughlin.
- CRS Report RL32739, *Tsunamis: Monitoring, Detection, and Early Warning Systems*, by Wayne Morrissey.
- CRS Issue Brief IB10132, *Ocean Commissions: Ocean Policy Review and Outlook*, coordinated by Eugene Buck, et al.
- CRS Report RL31438, *Patent Administration: Current Issues and Possibilities for Reform*, by John R. Thomas.
- CRS Report RL32823, *An Overview of the Administration's Strengthening America's Communities Initiative*, coordinated by Eugene Boyd.

Science Agencies

National Aeronautics and Space Administration²⁶

The National Aeronautics and Space Administration (NASA) was created by the 1958 National Aeronautics and Space Act (P.L. 85-568). NASA conducts civilian space and aeronautics activities. The agency is managed from NASA Headquarters in Washington, D.C. It has nine major field centers around the country, and a Federally Funded Research and Development Center (FFRDC) — the Jet

²⁶ This section was prepared by Marcia S. Smith, Specialist in Aerospace and Telecommunications Policy, Resources, Science, and Industry Division.

Propulsion Laboratory — which is operated by the California Institute of Technology. Dr. Michael Griffin became NASA's 11th Administrator in April 2005.

NASA requested \$16.456 billion for FY2006, a 2.4% increase over the \$16.07 billion (adjusted for the rescission) appropriated in the FY2005 Consolidated Appropriations Act (P.L. 108-447). NASA also received \$126 million in a FY2005 supplemental (P.L. 108-324) for hurricane relief associated with the 2004 Florida hurricanes, giving it a total of \$16.196 billion for FY2005. The FY2006 request was a 1.6% increase above that total. Last year, NASA was projected to receive a 4.6% increase for FY2006. NASA submitted an amended budget request on July 15, 2005. The total for the agency did not change, only how it is distributed within the agency.

In the FY2006 Science, State, Justice, Commerce Appropriations Act (H.R. 2862, P.L. 109-108), Congress approved a net \$500,000 increase above the request: \$16,456.8 million compared with the \$16,456.3 million request. The appropriated level is subject to a 0.28% across-the-board rescission. Congress added approximately \$500 million in programmatic and other congressionally directed increases, and cut the same amount through specified or general reductions.

Two NASA facilities were damaged by Hurricane Katrina in August 2005: Stennis Space Center, in Mississippi, near Slidell, LA, where space shuttle main engines are tested; and the Michoud Assembly Facility, in New Orleans, LA, where space shuttle external tanks are manufactured (it is operated for NASA by Lockheed Martin). The facilities themselves received relatively minor damage, but many workers were displaced. NASA estimates that Katrina recovery will cost the agency \$760 million. The Bush Administration included \$325 million for NASA in the October 28, 2005 rescission and reallocation package.

For more on NASA's FY2006 budget request, see CRS Report RL32988, *The National Aeronautics and Space Administration's FY2006 Budget Request: Description, Analysis, and Issues for Congress*, by Marcia S. Smith and Daniel Morgan.

Table 6. NASA's FY2006 Budget
(\$ millions in budget authority)

Account	FY2005 Enacted	FY2006 Request (amended)	House Approps (passed)	Senate Approps (passed)	P.L. 109-108*
Science, Aeronautics, and Exploration (SA&E)	9,335	9,829	9,726	9,761	9,761
Exploration Capabilities	6,704	6,595	6,713	6,603	6,663
Inspector General	31	32	32	32	32
Total	16,070	16,456	16,471	16,396	16,457
FY2005 Supp. for 2004 hurricanes	126				
Grand Total	16,196	16,456	16,471	16,396	16,457

Source: Figures are from the Congressional Record, November 15, 2005, p. E2351.

* Does not reflect the 0.28% across-the-board rescission.

A central focus of the debate over NASA's budget was President Bush's "Vision for Space Exploration," announced on January 14, 2004. The President directed NASA to focus its activities on returning humans to the Moon by 2020, and someday sending them to Mars and "worlds beyond." Robotic probes would serve as pathfinders for human missions, and also be used to continue studies of the universe (using space-based telescopes, for example). Other countries were invited to participate. The President directed NASA to develop a Crew Exploration Vehicle (CEV) to take crews to Earth orbit by 2014, but its primary purpose is taking them to and from the Moon. In September 2005, NASA estimated that returning humans to the Moon by 2018 would cost \$104 billion, not including approximately \$20 billion for using the CEV to take crews to and from the International Space Station, nor the costs of robotic lunar probes. A cost estimate for sending people to Mars was not provided.

The President did not propose significant increased funding for NASA to accomplish the Vision. Instead, most of the funding was to come from redirecting funds from other NASA activities. Debate over the Vision initially focused on whether the country could afford such an initiative considering other national funding needs, and the relative importance of funding the Vision versus other NASA activities. The original NASA FY2006 request was crafted by then-NASA Administrator Sean O'Keefe, who left the agency in February 2005. The original request did not specify how much was for the Vision, although a NASA briefing chart identified \$6 billion for "exploration specific" activities. Another \$6.4 billion was requested for the space shuttle and space station programs — often described as the first steps in the Vision. The remainder of the budget, \$4.1 billion, was labeled "Earth Science, Aero & Others" ("Aero" is for aeronautics).

In terms of the first issue, supporters of the Vision point to the relatively small percentage of federal budget authority that is allocated to NASA — 0.7 % in FY2005 — as an indication that it is not a significant factor in the nation's overall

spending. Skeptics counter that spending more than \$16 billion on NASA is a luxury when many domestic discretionary programs are being cut, and federal R&D spending overall is not keeping pace with inflation. Regarding the second issue, Vision proponents argue that NASA should focus on the President's Vision even though it may mean cutting back on NASA's aeronautics, earth science, and certain space science activities. Others disagree, including the new Administrator of NASA, Dr. Griffin. He has repeatedly stated that he will not take money from NASA's space science, earth science, or aeronautics activities in order to fund the Vision (although he is taking funds from physical and life sciences research). Instead, the Vision will be conducted on a "go as you can afford to pay" basis. Dr. Griffin's approach apparently has alleviated concerns by many members of the space science, earth science, and aeronautics communities who feared their programs would suffer because of the Vision. Nevertheless, NASA's budget remains constrained because of the funding requirements for the Vision, higher than expected costs for returning the space shuttle to flight status following the 2003 *Columbia* tragedy, cost growth in other NASA programs (including several space science programs), a shortfall of \$3-5 billion for the shuttle program in the five-year budget plan submitted together with the FY2006 budget request, and costs associated with funding congressional directed items.

NASA's current human space flight programs, the space shuttle and the International Space Station (ISS), are being significantly affected by the Vision. Both will be terminated earlier than planned to make that funding available for the Vision. The President directed that the space shuttle be retired in 2010 after ISS construction is completed. Dr. Griffin has indicated his intent to terminate the shuttle at the end of FY2010 (September 30, 2010) whether or not ISS construction is completed. The President directed that the new CEV be available by 2014, which would leave a multi-year gap when the United States would not be able to launch its own astronauts into space. Dr. Griffin wants to accelerate development of the CEV to reduce the "gap" when NASA have to rely on Russia to launch U.S. astronauts. He hopes to have the CEV ready by 2012, and is reprioritizing activities within the Exploration Systems Mission Directorate to provide more funding to the CEV in the next several years.

Some Members of Congress want to avoid a gap entirely by continuing the shuttle program until the CEV is available. S. 1281, the Senate version of the NASA authorization bill, as reported from committee, directed NASA not to retire the shuttle until a replacement is available. That was modified in the version that passed the Senate, however. It now states that it is U.S. policy to possess the capability for assured human access to space, and directs the NASA Administrator to act to ensure that capability and to make a number of related reports to Congress in future years. The House bill (H.R. 3070), as passed by the House, is silent on the issue. The House passed the Senate bill on November 18 after striking all after the enacting clause and inserting the text of H.R. 3070 in lieu therefore. The House appointed conferees the same day.

As for the ISS, the President directed NASA to restructure the broadly-based research program it had planned to conduct aboard ISS to support only research needed to accomplish the Vision. Some want to restore the research program to what was planned prior to the Vision. S. 1281, the Senate version of the NASA

authorization bill, as passed by the Senate, adds funding for ISS research and makes other changes to augment its research role. H.R. 3070, as passed by the House, directs that 15% of the research funding for the ISS be used for research not related to the Vision. A NASA budget chart released along with the President's speech showed NASA completing its use of the ISS by FY2017. What will happen to it after that time is unclear.

The initial FY2006 request for the ISS was \$2.180 billion: \$1.857 billion for construction and operations (including \$160 million for ISS Crew/Cargo Services) and \$324 million for research. The amended request moved ISS Crew/Cargo Services to another part of the NASA budget and reduced the amount for ISS construction and operations commensurately (although it identified \$168 million for that activity instead of \$160 million as was indicated in the original request). In the final version of the FY2006 appropriations bill (P.L. 109-108), Congress cut \$80 million from the ISS program, including \$60 million from ISS Crew/Cargo Services. They also cut \$25 million from the account that funds research on ISS, though they did not specify that the cuts be made to the ISS-related portion of that account. The authorization bills do not identify an amount for the ISS.

The House and Senate appropriations and authorization committees that oversee NASA have all expressed support for the Vision, with the proviso that NASA should continue to have a balanced set of programs in science, exploration, and aeronautics, not focus solely on the Vision.

The amount of funding that is available for various NASA activities will affect workforce levels. NASA's FY2006 budget request assumes that the number of budgeted civil service full time equivalents (FTEs) will drop by almost 2,500 in the next year and a half — from 19,227 in FY2005 to 16,738 for FY2007. How to “right size” NASA, its facilities, and its workforce, and ensure NASA has the necessary skill mix for the Vision, are among the issues facing Congress. H.R. 3070 as passed by the House prohibits Reductions in Force (RIFs) or other involuntary separations (except for cause) at NASA prior to February 16, 2007. The final version of the FY2006 appropriation act (P.L. 109-108) restricts NASA's use of buyouts and Reductions in Force (RIFs) prior to NASA providing certain reports to Congress.

Another issue is whether or not to send the shuttle to service the Hubble Space Telescope (see CRS Report RS21767, *Hubble Space Telescope: Should NASA Proceed with a Servicing Mission?*, by Daniel Morgan). Two days after the President's Vision speech, then-Administrator O'Keefe announced that the shuttle would not be used to conduct further Hubble servicing missions, citing shuttle safety concerns in the wake of the February 1, 2003 *Columbia* tragedy as the primary reason. Widespread criticism led NASA to explore the possibility of a robotic servicing mission instead, but a December 2004 report from the National Research Council concluded that a robotic servicing mission was not likely to succeed in the time available. In the FY2006 request, NASA requested money only for a deorbit mission (to ensure that Hubble reenters from orbit without posing danger to populated areas). Dr. Griffin has pledged to revisit the possibility of a shuttle servicing mission after the shuttle completes its two “Return to Flight” (RTF) missions and its risk factors are better understood following the post-*Columbia* modifications. (The first RTF mission was launched on July 26, 2005, but problems

were encountered. The second RTF flight will not take place before May 2006.) Meanwhile, Dr. Griffin directed NASA engineers to resume planning for a shuttle servicing mission. Conferees on the appropriations bill added \$50 million for a Hubble servicing mission. (H.R. 3070, as passed by the House, designates \$150 million for a Hubble servicing mission.)

National Science Foundation (NSF)²⁷

Agency Mission. The National Science Foundation (NSF) was created by the National Science Foundation Act of 1950, as amended (P.L. 81-507). The NSF has the broad mission of supporting science and engineering in general and funding basic research across many disciplines. The majority of the research supported by the NSF is conducted at U.S. colleges and universities. In addition to ensuring the nation's supply of scientific and engineering personnel, the NSF promotes academic basic research and science and engineering education across many disciplines. Other federal agencies, in contrast, support mission-specific research. The NSF provides support for investigator-initiated, merit-reviewed, competitively selected awards, state-of-the-art tools, instrumentation and facilities. Also, NSF provides almost 30% of the total federal support for science and mathematics education. Support is provided to academic institutions, industrial laboratories, private research firms, and major research facilities and centers. While the NSF does not operate any laboratories, it does support Antarctic research stations, selected oceanographic vessels, and national research centers. Additionally, the NSF supports university-industry relationships and U.S. participation in international scientific ventures.

The NSF is an independent agency in the executive branch and under the leadership of a presidentially appointed Director and a National Science Board (NSB) composed of 24 scientists, engineers, and university and industry officials involved in research and education. The NSB and the Director make policy for the NSF. The Office of the Inspector General (OIG) of the NSF has the responsibility of, among other things, conducting audits and investigations of NSF programs, and promoting efficiency and effectiveness in NSF programs and operations. The OIG reports directly to the NSB and Congress.

²⁷ This section was prepared by Christine M. Matthews, Specialist in Science and Technology Policy, Resources, Science, and Industry Division.

Table 7. National Science Foundation, FY2004 to FY2006
(\$ in millions)

	FY2004 Actual	FY2005 Estimate	FY2006 Approp
Research and Related Activities	\$4,293.3	\$4,220.6	\$4,387.5
Education and Human Resources	944.1	841.4	807.0
Major Research Equipment and Facilities Construction	184.0	173.7	193.4
Salaries and Expenses	218.9	223.2	250.0
National Science Board	2.2	4.0	4.0
Office of Inspector General	9.5	10.0	11.5
Total, NSF	\$5,652.0	\$5,472.8	\$5,653.4

Key Budget Issues.

Overview of the FY2006 Appropriations. On November 22, 2005, the President signed into law P.L. 109-108, Science, State, Justice, Commerce, and Related Agencies Appropriations Act, FY2006, (H.R. 2862, H.Rept. 109-272). The legislation provides a total of \$5,653.4 million for NSF in FY2006, \$48.4 million above the Administration's request and \$180.6 million above the FY2005 estimate. The NSF has witnessed considerable growth during a period of constrained research budgets. When measured in current dollars, its total appropriation increased more than 71.4% in 10 years — FY1997, \$3,298.8 million; FY2001, \$4,459.9 million; and FY2006, \$5,653.4 million. The FY2006 appropriation provides support for several interdependent priority areas: biocomplexity in the environment, human and social dynamics, mathematical sciences, and nanoscale science and engineering. Additional priority areas include those of strengthening core disciplinary research, broadening participation in the science and engineering workforce, and sustaining organizational excellence in NSF management practices. An investment of approximately \$509 million in cyberinfrastructure will allow for funding of modeling, simulation, visualization and data storage, and other communications breakthroughs. NSF anticipates that this level of funding will make cyberinfrastructure more powerful, stable, and accessible to researchers and educators through widely shared research facilities. Increasing grant size and duration has been a long-term priority for NSF. The funding rate for research grants has declined from approximately 30% in the late 1990s to an estimated 20% in FY2005. In FY2006, the NSF will increase the rate to 21%, while maintaining current gains in award size and duration. NSF recognizes that international research partnerships are critical to the nation in maintaining a competitive edge, addressing global issues, and capitalizing on global economic opportunities. To address these particular needs, the FY2006 appropriation provides

\$35 million for the Office of International Science and Engineering. The National Nanotechnology Initiative is funded at \$343.8 million, that requested by the Administration. Continued support is given to the Plant Genome project (\$100 million). Additional investments are directed toward the Climate Change Science Program, homeland security, and Networking and Information Technology Research and Development.

Included in the total FY2006 appropriation is \$4,387.5 million for R&RA, \$54 million above the request and \$166.9 million above the FY2005 level. R&RA includes Integrative Activities (IA) and is the source of funding for the acquisition and development of research instrumentation at U.S. colleges and universities. The Administration requested \$134.9 million for IA, \$5 million over the FY2005 estimate. A final plan for IA in the FY2006 appropriation has not been completed. The Office of Polar Programs is funded in the R&RA. The FY2006 appropriation provides up to \$425 million for Polar research and operations support. The Senate Committee directs the NSF to assume polar icebreaking activities from the Coast Guard.²⁸ However, the Committee expressed concern with burdening the NSF with the long-term modernization costs of the Coast Guard icebreaking fleet²⁹. Language is included in the legislation directing NSF to pursue alternative sources of funding for the icebreaking fleet beyond 2006. One option that is being proposed is for the NSF to enter into a Memorandum of Understanding with the Coast Guard for reimbursement for the maintenance and operation of U.S Polar research activities.³⁰ Currently, several studies are being conducted to review the long-term icebreaking needs in support of research in the Antarctic.

The Major Research Equipment and Facilities Construction (MREFC) account is funded at \$193.4 million in FY2006, \$56.6 million below the request and \$19.7 million above the FY2005 estimate. (An additional \$14.9 million is available from FY2005). The projects receiving support are the Atacama Large Millimeter Array (\$49.2 million), EarthScope (\$50.6 million), IceCube Neutrino Observatory (\$50.5 million), and Scientific Ocean Drilling Vessel (\$57.9 million). Support is not provided for the Rare Symmetry Violating Processes (RSVP). The Committee is concerned with the “unacceptable increases” in the project cost and suggests that the RSVP proposal be altered or descoped. If the necessary changes can be made, the restructured RSVP can be considered for inclusion for project support within the R&RA.

The FY2006 appropriation for the Education and Human Resources Directorate (EHR) is \$807 million, \$70 million above the request and \$34.4 million below the FY2005 estimate. The EHR portfolio is focused on, among other things, increasing the technological literacy of all citizens, preparing the next generation of

²⁸ The FY2006 request proposed transfer of responsibility to NSF from the U.S. Coast Guard for funding the maintenance and operation of polar icebreaking activities. While the NSF would not own the ships, it would be responsible for the operation, maintenance, and staffing of the vessels.

²⁹ The United States has maintained a presence in the Antarctic for almost 40 years.

³⁰ The suggestion is to model an agreement after the successful one that exists currently between the Coast Guard and the Department of Defense.

science, engineering, and mathematics professionals, and closing the achievement gap in all scientific fields. The appropriation provides \$64 million for the President's Math and Science Partnerships program (MSP), a 19.4% decrease from the FY2005 estimate. Funding for the MSP will support ongoing awards, in addition to data collection, evaluation, knowledge management, and dissemination. No new partnership awards will be made in FY2006. Conferees rejected the Administration's request to have the MSP operate only in the Department of Education. Several EHR programs are directed at increasing the number of underrepresented minorities in science and engineering. The EHR will fund the Louis Stokes Alliance for Minority Participation program at \$25.8 million and the Historically Black Colleges and Universities Undergraduate Program at \$35.8 million. Funds have been provided for continued support of the Tribal Colleges and Universities Program, the Robert Noyce Scholarship program and the Advanced Technological Education program. In addition, funding for the Experimental Program to Stimulate Competitive Research (EPSCoR) is \$100 million in FY2006, \$6 million above the request and \$6.7 million above the FY2005 estimate.

Policy Issues. On February 2, 2004, the NSB released a report that was mandated by Section 22 of the NSF Authorization Act of 2002. The report addressed the unmet needs of the agency and determined what infrastructure was needed to support NSF's programmatic expansion through FY2007. The recommendations provided in the report are based on the budget levels contained in the authorization. The NSB recommended a total investment of \$19 billion for the NSF to sustain its position in science and technology. Rather than spread funding across all programs and activities, the report suggested to focus on key strategic areas — \$1.2 billion for advanced tools and cyber infrastructure, \$1 billion to improve research productivity and student opportunities, \$700 million toward building a competitive workforce, \$200 million for maintaining management excellence, and \$200 million to increase the number and diversity of institutions receiving awards. The FY2006 request for NSF was 34% below what was recommended in the authorizing legislation. The NSB contends that increasing the number and length of research awards should be one of the highest priorities of the agency. However, because of the slight budget increase, the number of proposals that the agency has been able to fund has dropped from more than 30% in the late 1990s to approximately 21% in FY2006.

There has been considerable debate in the academic and scientific community and in Congress about the management and oversight of major projects selected for construction and the need for prioritization of potential projects funded in the Major Research Equipment and Facilities Construction (MREFC) account. The NSF was directed to improve its oversight of large projects by developing an implementation plan that included comprehensive guidelines and project oversight review. One continuing question focused on the selection process for including major projects in the upcoming budget cycle. In February 2004, the National Academies released the congressionally mandated study of the process for prioritization and oversight of projects in the MREFC account. The report recommended a more open process for project selection, broadened participation from various disciplines, and well-defined criteria for the selection process.

In September 2005, the NSB released its management report on the new guidelines for the development, review, and approval of major projects — *Setting*

*Priorities for Large Research Facility Projects Supported by the National Science Foundation.*³¹ The report describes facilities under construction and those being considered for future funding. Because of the changing nature of science and technology, NSF deems it essential that it have the flexibility to reconsider facilities at the various stages in their development. Also, the NSF states that it must be able to respond, effectively, to possible changes in interagency participation, international and cooperative agreements, or co-funding for major research facilities. The NSF encourages project planning from disciplines and fields in which scientists and engineers have not traditionally partnered or collaborated. The report notes that while some “concepts” may evolve into MREFC candidates, others may prove infeasible for major project support. The NSF has stated that the facility plan will be updated as needed.

Table 8. Funding for the Title III Science Agencies
(\$ millions in budget authority)

Bureau or Agency	FY2005 enacted	FY2006 request	House bill	Senate bill	P.L. 109-108
NASA	\$16,196.4	\$16,456.4	\$16,471.0	\$16,396.0	\$16,457.0
<i>National Science Foundation</i>	\$5,472.8	\$5,605.0	\$5,643.4	\$5,531.0	\$5,653.4
Office of Science/Technology	\$6.3	\$5.6	\$5.6	\$5.6	\$5.6
Title III House Total:	\$21,675.5	\$22,067.0	\$22,120.0	\$21,932.6	\$22,115.0
Title III Senate: Commerce agencies included in Title III: NOAA, NIST.	\$4,630.9	\$4,117.4	\$3,934.2	\$5,320.5	\$4,713.7
Title III Senate Total	\$26,306.4	\$26,184.4	\$26,054.2	\$27,253.1	\$26,828.7

Source: U.S. House of Representatives, U.S. Senate, Committees on Appropriations, CRS estimates.

Related CRS Products

CRS Report 95-307, *U.S. National Science Foundation: An Overview*, by Christine Matthews.

CRS Report RL30930, *U.S. National Science Foundation: Experimental Program to Stimulate Competitive Research (EPSCoR)*, by Christine Matthews.

CRS Report RS21267, *National Science Foundation: Major Research Equipment and Facility Construction*, by Christine Matthews.

CRS Report RS21720, *Space Exploration: Issues Concerning the "Vision for Space Exploration,"* by Marcia Smith.

³¹ National Science Board, *Setting Priorities for Large Research Projects Supported by the National Science Foundation*, NSB05-77, Arlington, VA, September 2005, 31 pp. NOTE: Large research facility projects are defined as those costing 10% or more of a directorate or program's annual budget.

CRS Report RS21767, *Hubble Space Telescope: Should NASA Proceed with a Servicing Mission?*, by Daniel Morgan.

CRS Report RS22063, *The National Aeronautics and Space Administration: Overview, FY2006 Budget in Brief, and Key Issues for Congress*, by Marcia Smith and Daniel Morgan.

CRS Report RS22072, *The Iran Nonproliferation Act and the International Space Station: Issues and Options*, by Sharon Squassoni and Marcia Smith.

Department of State and International Broadcasting³²

FY2006 Funding Issues — Administration of Foreign Affairs

The Administration of Foreign Affairs makes up the bulk of the State Department budget — 76% in the FY2005 State Department enacted funds. The Administration's FY2006 request for State's Administration of Foreign Affairs was \$6,766.1 million, 6.5% above the FY2005 enacted level of \$6,362.2 million (before FY2005 supplementals were added). The President submitted an FY2005 supplemental request one week after submitting his FY2006 budget request. The supplemental request included \$1,425.2 million for accounts under the Administration of Foreign Affairs, but Congress ultimately passed \$1,326 million for those accounts. The House-passed SSJC bill (H.R. 2862) provided \$6,640.3 million or \$135.8 million less than the Administration request for the Administration of Foreign Affairs FY2006 budget. The House provided less than requested for the Diplomatic and Consular Programs account, the Educational and Cultural Exchanges account, and the Embassy Security Construction & Maintenance account. The Senate passed its version of H.R. 3057 which included \$6,733.9 million for the Administration of Foreign Affairs. As signed into law on November 22, 2005, P.L. 109-108 includes \$6,649.1 million for the Administration of Foreign Affairs.

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 FY2006 request of \$4,472.6 million represented an increase of more than 7% as compared to the \$4,172.2 million funding level enacted for FY2005 before adding supplementals that were passed after the request was submitted. The FY2006 funding level request included \$689.5 million for worldwide security upgrades, as compared to \$649.9 million in the FY2005 appropriation. The D&CP funding request also included \$327.9 million, as compared to \$320 million in the FY2005 budget, designated only for public diplomacy. In addition, the President's FY2005 supplemental request included \$767.2 million for D&CP to pay for operational and security costs for U.S. Missions in Iraq, Afghanistan, and for startup costs for State's new Office of the Coordinator

³² This section was written by Susan B. Epstein, Specialist in Foreign Affairs and Trade, Foreign Affairs, Defense, and Trade Division.

for Reconstruction and Stabilization. (Congress enacted \$734 million in the supplemental.) The House passed \$4,436.6 million or \$36 million less than was requested for D&CP in FY2006. The House total included \$689.5 million for worldwide security upgrades and \$340 million for public diplomacy programs. The Senate-passed State-Foreign Operations bill contained \$4,444.6 million for D&CP, including \$328 million for public diplomacy and \$689.5 million for worldwide security upgrades. As signed into law, the appropriation provides \$4,369.5 million for D&CP, including \$334 million for public diplomacy and \$689.5 million for worldwide security upgrades.

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 FY2006 request of \$615.8 million was 2% above the FY2005 enacted level of \$603.5 million; however, the FY2005 supplemental request included an additional \$658 million under ESCM for constructing the new embassy compound in Baghdad, and other purposes. (Congress passed \$592 million in the supplemental, however.) The House bill (H.R. 2862) included \$603.5 million (the same as the FY2005 enacted level) for regular ESCM in FY2006. The Senate version of H.R. 3057, as reported out of committee, included \$603.8 million for regular ESCM funds in FY2006; however a Senate floor amendment reduced this account to \$598.8 million in the Senate-passed bill. The FY2006 enacted funding includes the Senate-passed level of \$598.8 million for FY2006.

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 FY2006 request for upgrades within D&CP totaled \$689.5 million — nearly \$40 million above the enacted level for FY2005. The FY2006 request for worldwide security funding within ESCM amounted to \$910.2 million, about \$10 million more than the FY2005 enacted level. The combined total request for State's worldwide security upgrades was \$1,599.7 million.

The House passed \$910.2 million for worldwide security upgrades for FY2006. Combined with the worldwide security upgrades in the D&CP account, this totaled \$1,599.7 million, the same as the Administration's request. The Senate provided \$900.2 million for embassy security upgrades, or a combined total of \$1,589.7 million for worldwide security upgrades in FY2006. P.L. 109-108 contains \$910.2 million and a grand total for worldwide security upgrades of \$1,599.7 million — the same as the House 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 and SEED programs. The Administration's FY2006 request was for \$430.4 million, about 21%

more than the FY2005 enacted level of \$355.9 million. The Administration request included more than \$180 million for programs targeted toward Muslim populations.

H.R. 2862 provided \$410.4 million (about \$20 million below the request, but \$54.5 million above the FY2005 enacted level) for exchange programs in FY2006. H.R. 3057, as passed by the Senate, contained \$440.2 million for exchanges in FY2006. The final agreement compromised, setting exchange funding at \$431.8 million for FY2006.

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. In FY1997 the CIF budget was \$24.6 million. The FY2006 request was for \$133 million, comparable to FY2005 funding if both the CIF and the Centralized Information Technology Modernization Program were combined.

The House-passed bill had provided \$128.3 million for FY2006, comparable to the level of the technology funds for FY2005, but \$4.7 million below the President's request. That later was reduced to \$69.1 million with no funds for the Centralized Information Technology Modernization Program. The Senate bill included \$58.9 million for CIF and \$74.1 million for a new account started in FY2005 — Centralized Information Technology Modernization Program. The signed law provides \$58.9 million for CIF and \$69.4 million for the Centralized Technology Program.

International Commissions

The International Commissions account includes the U.S.-Mexico Boundary and Water Commission (IBWC), the International Fisheries Commissions (IFC), the International Joint Commission (IJC), the International Boundary Commission (IBC), and the Border Environment Cooperation Commission (BECC). The IBWC's mission is to apply rights and obligations assumed by the United States and Mexico under numerous treaties and agreements, improve water quality of border rivers, and resolve border sanitation problems. The mission of the IFC is to recommend to member governments conservation and management measures for protecting marine resources. The IJC's mission is to develop and administer programs to help the United States and Canada with water quality and air pollution issues along their common border. The IBC is obligated by the Treaty of 1925 to maintain an effective boundary line between the United States and Canada. And, established by the North American Free Trade Agreement, the BECC's main purpose is to help local states and communities to develop solutions to environmental problems along the U.S.-Mexico border. The FY2006 funding request of \$70.3 million represented an increase of 11% over the \$63.3 million enacted in FY2005. The FY2006 requested increase reflected wage and inflation increases, as well as continuation or expansion of ongoing projects.

As passed by the House, the SSJC bill provided \$63.8 million for FY2006, slightly more than the FY2005 enacted level, but \$6.5 million less than requested. The House bill provided \$3 million less than requested for the International

Boundary and Water Commission, the United States and Mexico — \$1.7 million less for salaries and expenses than was requested and \$1.3 million less for construction; also \$379,000 less than requested for American Sections, and \$3.1 million less than requested for the International Fisheries Commissions.

The Senate-passed State-Foreign Operations bill contained a total of \$70 million for International Commissions. This amount included \$28.7 million for the International Boundary and Water Commission, the United States and Mexico (the same as requested and \$1.7 million more than the House); \$5.3 million for construction (the same as the House); \$10.4 million for the American Sections, International Commissions (\$.9 million more than the House level); and \$25.6 million for International Fisheries Commissions (\$3.6 million above the House level).

The final law provides \$67.3 million for international Commissions, including \$28 million for the International Boundary and Water Commission salaries and expenses, \$5.3 million for construction; \$10.039 million for American Sections, International Commissions, and \$24 million for International Fisheries Commissions.

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 FY2006 request totaled \$2,332 million for the overall account, up nearly 41% over the FY2005 level of \$1,649.7 million, including rescissions. P.L. 109-108 sets the total at \$2,201.7 million, the same as the Senate level and about \$22 million more than the House level.

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 FY2006 request level for this line item is \$1,296 million, 11.2% above the \$1,166 million enacted level of FY2005. The request would satisfy full funding needs of U.S. assessed contributions to the 47 international organizations.

The House had passed \$1,166.2 million for FY2006, which was the same as the FY2005 enacted level, but \$130.3 million below the President's request. Subsequently, that amount was reduced to \$1,144.3 million. The Senate passed its bill with \$1,166.2 million for this account. Congress set the final FY2006 CIO account at the Senate level of \$1,166.2 million.

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 President's FY2006 request of \$1,035.5 million represented an increase of 114.2% from the FY2005 enacted level of \$483.5 million. In addition, the emergency FY2005 supplemental contained a request for \$780 million which represented the amount for new

peacekeeping missions voted for by the Administration in the U.N. Security Council in 2004.

H.R. 2862, as passed by the House, provided \$1,035.5 million for CIPA in FY2006, the same as the FY2006 request. The Senate-passed version of H.R. 3057 provided the same amount, as does the signed law.

Related Appropriations

Related appropriations include those for The Asia Foundation, the National Endowment for Democracy (NED), and the East-West and North-South Centers. The Administration's FY2006 request for related appropriations totaled \$104.9 million — 5.3% over the FY2005 enacted level of \$100 million. The House passed a total of \$66.9 million, reducing both the FY2005 enacted and the President's request for this account by about one-third. As passed in the Senate, H.R. 3057 included \$51.7 million for related appropriations in FY2006. The conferees set the total related agencies funding at \$115.1 million which became signed into law.

The Asia Foundation. The Asia Foundation (TAF) 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. In 2004 The Asia Foundation had said it would increase its private sector fund-raising efforts and expected to raise about \$4.5 million in private funds in FY2005. Private funds in FY2004 amounted to \$3 million and now TAF projects private sector donations in FY2005 to be \$4 million. The FY2006 request of \$10 million reflected a 22% reduction over the FY2005 enacted funding level of \$12.8 million. The organization stated that the \$10 million request is necessary for the rising demands related to: 1) the front-line countries of Pakistan, Afghanistan, and Indonesia, 2) the tsunami, and 3) the large Muslim population in Asia. The House-passed bill agreed with the President's FY2006 request for this account. The Senate version of H.R. 3057 provided \$15 million for The Asia Foundation in FY2006. The final law reflects the Senate funding level.

National Endowment for Democracy (NED). The National Endowment for Democracy is a private, nonprofit organization established during the Reagan Administration that supports programs to strengthen democratic institutions in more than 80 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 could be operated entirely through private sector funding. The FY2006 request was for \$80 million, the same level as was requested for FY2005.

The final enacted level for FY2005, however, was \$59.2 million due to congressional interest in increasing funding for the Small Business Administration (SBA). NED's 35.1% increase requested over the FY2005 funding level would go toward programs in Muslim countries, Sudan, and the Democratic Republic of Congo, among other activities.

The House passed a total of \$50 million for NED's FY2006 budget. The House report noted that NED had not followed the past direction provided by the appropriations committee on creating a specific institute in Africa and has failed to provide funding for coordinating groups advocating for victims of human rights abuses. The Senate-passed bill provided \$8.8 million for NED in its State Department appropriations title, but also included another \$80 million for NED under a new Democracy Fund in Title III of H.R. 3057, nearly \$9 million more than the President's request. The final law sets NED FY2006 funding at \$75 million — \$5 million below the President's request, but \$15.8 million more than the previous year's level.

East-West and North-South Centers. The Center for Cultural and Technical Interchange between East and West (East-West Center), located in Honolulu, Hawaii, was established in 1960 by Congress to promote understanding and cooperation among the governments and peoples of the Asia/Pacific region and the United States. The FY2006 request for the East-West Center was \$13 million, a 32.3% decline from the FY2005 enacted level of \$19.2 million. The House passed \$6 million, less than half of what the President requested and \$13.2 million below the FY2005 enacted level. The Senate passed \$20 million for the East-West center. The conference report reduced the Senate level of funding by \$800 million, to \$19.2 million for FY2006. This is the level as signed into law.

The Center for Cultural and Technical interchange between North and South (North-South Center) is a national educational institution in Miami, Florida, closely affiliated with the University of Miami. It promotes better relations, commerce, and understanding among the nations of North America, South America and the Caribbean. The North-South Center began receiving a direct subsidy from the federal government in 1991; however, it has not received a direct appropriation since FY2000.

The International Center for Middle Eastern-Western Dialogue Trust Fund. The conferees added language in the FY2004 conference agreement for the Consolidated Appropriations Act, FY2004 to establish a permanent trust fund for the International Center for Middle Eastern-Western Dialogue. The act provided \$6.9 million for perpetual operations of the Center which is to be located in Istanbul, Turkey. Despite the fact that the Administration did not request any FY2005 funding for this Center, Congress provided \$7.3 million for it in FY2005. The Administration requested spending \$.8 million of interest and earnings from the Trust Fund for program funding in FY2006. The House bill included no funding for this account. A Senate floor amendment increased funding for this account by \$5 million over the committee-recommended level, providing a total of \$7 million for the Center in FY2006. P.L. 109-108 provides \$5 million for this account in FY2006.

International Broadcasting

International Broadcasting, which had been a primary function of the U.S. Information Agency (USIA) prior to 1999, now falls under 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 Sawa, Radio Farda, and Radio Free Asia (RFA). In addition to

the ongoing international broadcasting activities, the Administration initiated a new U.S. Middle East Television Network — Alhurra.

The BBG's FY2006 funding request totaled \$651.9 million, 10.2% above the FY2005 level of \$591.5 million, before supplemental funding was added. The FY2006 request included \$603.4 million for broadcasting operations, \$10.9 million for capital improvements, and \$37.7 million for Broadcasting to Cuba.

H.R. 2862, as passed by the House, provided a total of \$630.9 million for international broadcasting, \$21.1 million below the President's request, but \$32 million above the current-year enacted funding. The House level included \$168.3 million for VOA, \$76.2 million for RFE/RL, \$27.9 million for Cuba Broadcasting, and \$30.0 million for Radio Free Asia. In addition, the House bill provided \$10.9 million for Capital Improvements and \$13.5 million for moving RFE/RL employees and equipment into a new facility in FY2008.

In the Senate, H.R. 3057 provided \$651.9 million for international Broadcasting, including \$37.6 million for Cuba Broadcasting. As signed by the President, the enacted FY2006 funding provides a total of \$652.4 million for international broadcasting, including \$641.5 million (above the Administration's request, the House and Senate levels), \$10.9 million for Capital Improvements (as the Administration requested), and \$37.7 million for Cuba Broadcasting (as the Administration requested).

In addition to the FY2006 funding request, the President included broadcasting money in his FY2005 supplemental request, sent to Congress a week after the FY2006 budget. In the supplemental, the President sought \$2.5 million for Broadcasting Capital Improvements to upgrade transmitting systems in Tajikistan. Another \$4.8 million in the supplemental request is for additional funds, beyond the FY2006 request, for VOA, the Middle East Broadcasting Networks, and the International Broadcasting Bureau. The enacted emergency supplemental (P.L. 109-13) provided those funding levels.

Related Legislation

S. 600 (Lugar)/H.R. 2601 (Smith). A bill to authorize appropriations for the Department of State and international broadcasting activities. In addition, the Senate bill contains provisions on the Peace Corps, and foreign assistance programs for fiscal years 2006 and 2007. The Senate bill was introduced March 10, 2005, referred to the Senate Foreign Relations Committee, and reported by the Committee the same day. (S.Rept. 109-35). The Senate bill received floor action April 6, 2005. The House bill was introduced May 24, 2005; committee markup was held June 8, 9, 2005. House floor action occurred on July 19 and 20. The measure was passed by the House July 20 (351-78). No further action has occurred.

Related CRS Products

CRS Report RL33000, *Foreign Relations Authorization, FY2006 and FY2007: An Overview*, by Susan B. Epstein.

CRS Report RL31370, *State Department and Related Agencies: FY2005 Appropriations and FY2006 Request*, by Susan B. Epstein.

CRS Report RL32919, *Foreign Operations (House)/State, Foreign Operations, and Related Programs (Senate): FY2006 Appropriations*, by Larry Nowels and Susan B. Epstein.

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

Table 9. Funding for the Department of State and International Broadcasting

(\$ millions in budget authority)

Bureau or Agency	FY2004 enacted	FY2005 enacted	FY2006 request	House bill	Senate bill	Conf. Rept
Administration of Foreign Affairs	\$7,007.2	\$7,688.4	\$6,776.1	\$6,640.3	\$6,733.9	\$6,649.1
International Organizations and Conferences	\$1,694.9	\$2,329.7	\$2,332.0	\$2,179.8	\$2,201.7	\$2,201.7
International Commissions	\$57.1	\$63.3	\$70.3	\$63.8	\$70.0	\$67.3
Related Appropriations	\$78.0	\$100.0	\$104.7	\$66.9	\$51.7	\$115.1
Subtotal: State Department ^a	\$8,837.2	\$10,181.4	\$9,283.3	\$8,950.7	\$9,057.3	\$9,033.2
International Broadcasting	\$591.5	\$598.8	\$651.9	\$630.9	\$651.9	\$652.4
Title IV Total	\$9,428.7	\$10,780.2	\$9,935.2	\$9,581.6	\$9,709.2	\$9,685.6

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

- 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 FY2004 is estimated at \$687.5 million and for FY2005 the enacted level is \$661.5 million, the request for FY2006 is \$672.1 million.
- FY2004 numbers include the emergency supplemental (P.L. 108-106 and P.L. 108-287) and reflect both rescissions in the Consolidated Appropriation Act of FY2004, P.L. 108-199.
- FY2005 numbers reflect the two rescissions in the Consolidated Appropriation Act of FY2005, P.L. 108-447, as well as supplemental funding in P.L. 109-13.

Independent Agencies

Equal Employment Opportunity Commission (EEOC)³³

The EEOC enforces laws banning employment discrimination based on race, color, national origin, sex, age, or disability. The Commission's workload has increased substantially since it was created under Title VII of the Civil Rights Act of 1964, due to passage of the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991 as well as to employees' greater awareness of their rights.

The Administration requested an FY2006 appropriation of \$331.2 million for the EEOC, an increase of \$4.4 million from the \$326.8 million (including rescissions) provided by the Consolidated Appropriations Act, 2005 (P.L. 108-447). Notably, \$33 million would be devoted to payments for Fair Employment Practices Agencies (FEPAs), which are state and local bodies with which the agency has work-sharing agreements to address workplace discrimination within their jurisdictions. This is the amount of payments to FEPAs to which Congress has, in prior years, raised the EEOC's request. As well as a \$441,000 increase for state and local contracts, the Commission asked for an additional \$5.5 million to cover the staff's total compensation and an additional \$400,000 to cover rental (including security) payments. The EEOC would reduce general operating expenses (e.g., printing, reproduction, postage, and travel) by \$977,000 and information technology expenditures by \$1 million to offset the aforementioned increases.

The House and Senate, following the Appropriations Committees' recommendations, provide the EEOC with the same budget the Administration requested (\$331.2 million, including \$33 million for FEPAs). The conference agreement (H.Rept. 109-272) maintains these funding levels. Discretionary budget authority is subject to a rescission of 0.28% provided at Title VI, General Provisions, of H.R. 2862. In November 2005, President Bush signed the FY2006 appropriations bill (P.L. 109-108).

The conference agreement adopts, by reference, language in H.Rept. 109-118 that requires the Commission to continue submitting quarterly reports on projected and actual spending levels by function and to highlight any changes due to repositioning activities. The conference agreement also adopts, by reference, language in S.Rept. 109-88 that (a) prohibits the agency from implementing a repositioning plan which reduces the salary of EEOC employees, or reduces the number of officers or employees serving as mediators, investigators or attorneys at any Commission office, and that (b) directs the Commission to submit to Congress, before implementation of any repositioning, restructuring or reorganization plan, a comprehensive analysis (conducted for each district, field, area, and local office) of current investigations and enforcement levels, and the full impact of such plan on all core services. The conference agreement further provides that the EEOC should not undertake any workforce repositioning, restructuring or reorganizing without advance notification of the Committees on Appropriations. In addition, the conferees direct

³³ This section was prepared by Linda Levine, Specialist in Labor Economics, Domestic Social Policy Division.

the Commission to continue working toward resolution of concerns regarding the pending repositioning plan.

Federal Communications Commission (FCC)³⁴

The Federal Communications Commission, created in 1934, is an independent agency charged with regulation and interstate and foreign communication of radio, television, wire, cable, and satellite. 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. The FCC obtains the majority of its funding through the collection of regulatory fees pursuant to Title I, section 9 of the Communications Act of 1934; therefore, its direct appropriation is considerably less than its overall budget.

H.R. 2862 was signed by President Bush on November 22, 2005 (P.L. 109-108). It includes \$289,771,000 for the salaries and expenses of the FCC. Of the amounts provided, \$288,771,000 is to be derived from offsetting fee collections, resulting in a net direct appropriation of \$1,000,000. P.L. 109-108 includes the following provisions:

- a limitation on expenditures to administer spectrum auctions, as proposed by the Senate
- language, by reference, from the House report regarding the FCC's budget presentation, acceptance of travel payments, and the Universal Service Fund
- language, by reference, from the Senate report regarding broadcast television standards.

In the conference report accompanying the bill, the conferees expressed support for the FCC's plan to convene a panel of experts from the public safety and communications industry to perform an independent review and make recommendations on ways to improve disaster preparedness, network robustness and reliability, and public safety operations. The conferees also encouraged the FCC to work with the Departments of Justice, Homeland Security, and Commerce to best address public safety needs and requested that the FCC report to the Committees on Appropriations by March 1, 2006, on the work of the panel.

The conferees expressed their "surprise" regarding the FCC's September 2005 announcement to reorganize prior to submission of a reprogramming notification to the Committees on Appropriations. They further stated that the Committees on Appropriations "take very seriously the statutory requirement of advanced notification before any reorganization is implemented" and directed the FCC to immediately submit its reorganization plan.

³⁴ This section was written by Patty Figliola, Specialist in Telecommunications and Internet Policy, Resources, Science, and Industry Division.

The conferees stated their expectation that the FCC would provide a final recommendation on plans to renovate the Columbia, Maryland, laboratory by January 30, 2006.

Finally, the conferees stated their support for the FCC's pilot program to modernize its radiation monitoring equipment. If the pilot program proves successful, the conferees encouraged the FCC to include sufficient funding in future budget submissions to complete the modernization of its monitoring systems and they agreed to consider a reprogramming of FY2006 funds to accelerate the transition to the new technology if the FCC determines it is warranted.

Three additional sections of P.L. 109-108 also will affect the operations of the FCC. First, Title VI provides an overall 0.28% rescission on all discretionary budget authority. Further, Title VI sect. 622 provides that "[n]one of the funds appropriated by this act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments." Second, per Title VII, \$25,300,000 of the unobligated balances available to the FCC for salaries and expenses are rescinded.

The Bush Administration had originally requested \$304,057,000 for the FY2006 FCC budget, with \$4,823,000 in direct appropriations and \$299,234,000 derived from offsetting fee collections. The House of Representatives passed a budget of \$289,771,000 for the salaries and expenses of the FCC; of that amount, \$288,771,000 would be derived from offsetting fee collections, with a direct appropriation of \$1,000,000. The Senate passed a budget of \$297,370,000 for the salaries and expenses of the FCC; of that amount, \$296,370,000 would be derived from offsetting fee collections, with a direct appropriation of \$1,000,000. The FCC's FY2005 budget was \$281,098,000.

Federal Trade Commission (FTC)³⁵

For FY2006, the Administration is requesting a program level of \$211 million for the Federal Trade Commission (FTC), an increase of slightly more than \$5.5 million or 2.7 percent over current funding. The House-passed bill provides the FTC with \$211 million for FY2006, which is \$6.7 million above the current year funding and the same as the Administration's request. For its part, the Senate followed the recommendation of the Appropriations Committee, which set funding for the agency for FY2006 at the \$211 million level. Of the amounts provided, \$116 is from Hart-Scott-Rodino pre-merger filing fees and \$23 million from Do-Not-Call fees. The total amount of direct appropriations for FY2006 is therefore \$72 million. Indeed, there was no disagreement to be resolved. The conference agreement (H.R. 2862/P.L. 109-108) provides the FTC with \$211 million for FY2006, employing the previously noted funding formula.

³⁵ This section was written by Bruce Mulock, Specialist in Government and Business, Government and Finance Division.

Last year (FY2005), the Administration requested 205.4 million for the agency. The House approved a program level of \$203.4 million, an increase of \$17.9 million over FY2004 funding. The Senate Appropriations Committee, for its part, recommended \$207.7 million for FY2005. The conference agreement provided the FTC with \$205.4 million (the same as requested). More specifically, of the amounts provided, \$101 million is coming from fees for Hart-Scott-Rodino premerger notification filings, \$21.9 million from Do-Not-Call provisions of the Telemarketing Sales Rule, and Congress has provided a direct appropriation of \$82.5 million.

More specifically for FY2006, the Administration is requesting that the program level of \$211 million for the FTC be funded by \$72 million from the General Fund of the U.S. Treasury and offsetting collections from two sources: \$116 million from fees for Hart-Scott-Rodino premerger notification filings; and \$23 million from fees sufficient to implement and enforce new Do-Not-Call provisions of the Telemarketing Sales Rule.

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 premerger filing fees collected under the Hart-Scott-Rodino Act to mostly or entirely fund its operations. By way of an historical footnote, for FY2000 through FY2002, zero (\$0) direct appropriations were required since the entire program level was covered by a combination of fees and prior year collections.

Legal Services Corporation (LSC)³⁶

The LSC is a private, non-profit, federally-funded corporation that provides grants to local offices which, 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 any lobbying activities or prohibiting representation in certain types of cases.

P.L. 108-447, the consolidated appropriations for FY2005, among other things continued funding for the LSC at a level of \$335.3 million. The LSC FY2005 appropriation of \$335.3 million included \$316.6 million for basic field programs and required independent audits; \$13.0 million for management and administration; \$1.3 million for client self-help and information technology; \$2.6 million for the Office of the Inspector General; and \$1.8 million in grants to offset losses stemming from the 2000 census-based reallocations. It also included existing provisions restricting the activities of LSC grantees. In addition, it allowed the LSC to spend up to \$1 million of prior-year funding balances for a school student loan repayment pilot program. P.L. 108-447 also authorized a 0.8% across-the-board government-wide

³⁶ This section was prepared by Carmen Solomon-Fears, Specialist in Social Legislation, Domestic Social Policy Division.

rescission and an additional 0.54% uniform rescission applicable only to funding for the Commerce, Justice, State, and Related Agencies appropriation (which includes the LSC), thereby lowering the FY2005 LSC appropriation to \$330.8 million.

For FY2006, the Bush Administration requested \$318.3 million for the LSC. This is \$12.5 million (almost 4%) below the FY2005 LSC appropriation (after the rescissions). The FY2006 budget request for the LSC included \$299.2 million for basic field programs and required independent audits, \$13.4 million for management and administration, \$3.5 million for client self-help and information technology, and \$2.2 million for the Office of the Inspector General. The budget request also included existing provisions restricting the activities of LSC grantees.

On June 16, 2005, the House passed the Appropriations Committee's recommended funding level of \$330.8 million for the LSC for FY2006 (H.R. 2862; see H.Rept. 109-118). This is the same amount as the LSC FY2005 appropriation after the rescissions; and \$12.5 million above the Bush Administration's FY2006 budget request for the LSC. The House appropriation for the LSC included \$313.7 million for basic field programs and required independent audits, \$12.8 million for management and administration, \$1.8 million for client self-help and information technology, and \$2.5 million for its Office of the Inspector General. The House bill also included existing provisions restricting the activities of LSC grantees. Moreover, the House bill included text that encourages the LSC to proceed with the planned pilot loan repayment assistance plan for attorneys (no funding) and advises the LSC to reduce its rent for its office space (by eliminating some office space and negotiating a more competitive cost per square foot).

On June 23, 2005, the Senate Appropriations Committee recommended \$324.5 million for the LSC for FY2006 (S.Rept. 109-88). The Committee's recommendation is \$6.3 million below the FY2005 LSC appropriation and \$6.3 million above the Administration's FY2006 budget request for the LSC. The Senate Committee recommendation included existing provisions restricting the activities of LSC grantees. On September 15, 2005, the Senate passed an amended version of the Appropriation Committee's recommendation. It included \$358.5 million for the LSC for FY2006 (of which \$8 million is for basic field programs providing legal assistance to victims of Hurricane Katrina). (S.Amdt. 1659 to H.R. 2862 introduced by Senator Harkin on September 9th increased LSC funding from \$324.5 million to \$358.5 million.)

On November 9, 2005, the House passed the conference report on H.R. 2862 (H.Rept. 109-272). It included \$330.8 million for the LSC, the same amount as originally passed by the House, instead of \$358.5 million as passed by the Senate. The LSC would receive \$312.4 million for basic field programs and required independent audits; \$12.8 million for management and administration; \$1.3 million for client self-help and information technology; \$2.5 million for the Office of the Inspector General; and \$1.8 million in grants to offset losses stemming from the 2000 census-based reallocations. In addition, the conference report incorporated, by reference, language in the House report regarding rent costs (see above). It also included existing provisions restricting the activities of LSC grantees. The conference report also included a general rescission equal to 0.28% of funding for the Science, State, Justice, Commerce, and Related Agencies appropriation (which

includes the LSC). On November 16, 2005, the Senate passed the conference report on H.R. 2862. President Bush signed H.R. 2862 into law (P.L. 109-108) on November 22, 2005.

Securities and Exchange Commission (SEC)³⁷

The SEC administers and enforces federal securities laws to protect investors from fraud and to maintain fair and orderly markets. The SEC's budget is set through the normal appropriations process, but funds for the agency come from fees on sales of stock, new issues of stocks and bonds, corporate mergers, and other securities market transactions. When these fees are collected, they go to a special offsetting account available to appropriators, not to the Treasury's general fund.

In FY2005, the Administration requested \$913.0 million, an increase of 13% over FY2004. The House and Senate both approved the amount requested by the Administration. The Conference Committee approved the \$913.0 million, but that was to include \$57 million in prior-year unobligated balances. Thus, the new appropriation for FY2005 was \$856 million, to be covered by current-year fee collections.

The Administration's request for FY2006 was \$888.1 million, a decrease of 2.7% from FY2005. Of that total, \$25.0 million was to be from prior-year unobligated balances, and the remaining \$863.1 would be from offsetting fee collections. Thus, no direct appropriation would be necessary.

The House, the Senate and the Conference Report all approved an amount equal to the request: \$888.1 million, of which \$25.0 million is to come from prior-year unobligated balances, and the remainder (\$863.1 million) from current year fee collections.

Small Business Administration (SBA)³⁸

The Administration proposed a total appropriation for the SBA of \$453.7 million for FY2006. The House Appropriations Committee recommended \$655.3 million for the agency. This recommendation was nearly \$50 million more than the agency's FY2005 funding level, excluding emergency appropriations, and a little less than \$29 million above the budget request. For its part, the Senate recommended \$1,216.6 million for FY2006, which includes an emergency appropriation of \$509 million. The Conference agreement (H.R. 2862/P.L. 109-108) provides the SBA with a total of \$456.4 million for its five appropriations accounts, including \$313 million for Salaries and Expenses, instead of \$304.6 million as proposed by the House and \$336.1 million as proposed by the Senate.

³⁷ This section was prepared by Mark Jickling, Specialist in Public Finance, Government and Finance Division.

³⁸ This section was written by Bruce Mulock, Specialist in Government and Business, Government and Finance Division.

With regard to the SBA's non-credit programs, the conference agreement provided the following appropriations: \$750,000 for Veterans Programs; \$1.5 million for 7(j) Technical Assistance Programs; \$89 million for Small Business Development Centers; \$5 million for SCORE; \$12 million for Women's Business Centers; \$750,000 for Women's Business Council; \$1 million for Native American Outreach; \$1 million for Drug-free Workplace Program; \$13 million for Microloan Technical Assistance; \$2 million for PRIME Technical Assistance; and, \$2 million for HUBZones.

It is, perhaps, worth noting that the conference agreement includes no new funding for the Disaster Loans Program Account, in accordance with the amendment to the President's Budget that was submitted to the Congress on July 15, 2005.

The conferees noted that the emergency appropriations provided in response to natural disaster at the end of FY2004 greatly exceeded the actual need for loans to affected businesses and individuals. In fact, over \$600 million was carried forward into FY2006; therefore, the conferees said that they expect the carryover balances will be applied to meet the disaster loan program's needs, and that no additional appropriations are needed for FY2006. The SBA is directed to provide a monthly status report on the disaster loan activity to the Committees on Appropriations.

For FY2005, the Administration had requested a total appropriation of \$678.4 million for the Small Business Administration (SBA), a reduction of \$32.9 million, or about 4.6%, from the agency's current funding level. The FY2005 request included \$326.3 million for Salaries and Expenses (S&E). The House approved \$742.8 million, \$31.5 million more than the agency's FY2004 appropriation. The House-approved FY2005 appropriation included \$315.4 million for S&E, which was \$10.9 million less than the President's Budget recommendation and approximately \$7 million less than its FY2004 appropriation. The Senate Appropriations Committee recommended a total FY2005 appropriation of \$761.9 million, including \$357.7 million for S&E.

During the debate on the FY2005 CJS bill several amendments were adopted on the House floor, including one by Chairman of the Small Business Committee, Donald A. Manzullo, which would have provided a \$79 million subsidy for the SBA's 7(a) loan program.

The conference report provides the SBA with \$579.5 million for FY2005, including \$322.3 million for S&E. While this is substantially less than the Administration requested — and the House and Senate recommended — it is not will not result in a reduction in the agency's guaranteed loan program levels. It is not clear, however, what the economic effect will be. Proponents for making the agency's largest guaranteed loan program — the so-called 7(a) program — “self-funding” maintain that the subsidy costs for the programs can be offset by charging slightly higher fees to borrowers and lenders. Opponents express worry that shifting cost burdens to lenders will reduce the number of lenders willing to participate in the program. It may be that only time will tell.

For FY2004, the President's budget request had included \$797.9 million for the SBA. The House approved \$745.6 million for the agency, 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 and the Senate approved \$751.7 million for the agency, including \$332.4 million for S&E. The conference agreement provided the SBA with a total appropriation of \$711.3 million for FY2004, including rescissions.

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)³⁹

The State Justice Institute (SJI) is a private, nonprofit corporation that makes grants to state courts and funds research, technical assistance, and informational projects aimed at improving the quality of judicial administration in state courts across 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.

P.L. 109-108 (H.R. 2862) funds \$3.5 million for SJI in FY2006, compared with \$2.0 million proposed earlier by the House, \$5 million proposed by the Senate and \$2.6 million enacted for FY2005. (Like all discretionary budget authority in P.L. 109-108, SJI's appropriation is subject to a general rescission of 0.28%, provided for in Title VI of the act.) SJI had requested \$5 million for FY2006, while the Bush administration, as it had in its budgets for the previous three years, proposed eliminating federal funding for the institute altogether.

The \$3.5 million approved by Congress for SJI in FY2006 marks the second fiscal year in a row in which funding for the institute has been increased — following a number of years during which appropriators in Congress considered whether to provide any funding for SJI. For FY1999, 2000, and 2001, SJI received an annual appropriation of \$6.85 million, after which the level of funding dropped significantly — to \$3.0 million in both FY2002 and FY2003 and to \$2.2 million in FY2004. In FY2005, the downward trend was reversed, with \$2.6 million approved for the institute.

During the previous four fiscal years, appropriations conferees in Congress had encouraged SJI to obtain funds, at least in part, from sources other than Congress. In response to specific directives from conferees for the FY2002 and FY2003 CJS bills, SJI explored the availability of support from private donors, state

³⁹ This title was written by D. Steven Rutkus, Specialist in American National Government, Government and Finance Division.

and local agencies, state and local bar associations, and state court systems, but was unable to secure funding from any of them.

For FY2004 and FY2005, conferees on the CJS bill suggested a somewhat different approach, encouraging SJI to apply for funding from programs in the Department of Justice (DOJ) which support state court programs. Accordingly, during those two fiscal years, pursuant to an agreement between SJI and DOJ, the latter transferred \$1.2 million to the institute to support state court projects educating judges about rape, sexual assault, and other violence against women.

After scaling back the appropriations level for SJI in FY2002, FY2003 and FY2004, Congress, in a separate action, authorized multi-year funding for SJI at a significantly higher level. On September 30, 2004, the Senate, by unanimous consent, passed H.R. 2714 (State Justice Institute Reauthorization Act of 2004), authorizing \$7 million in funding for SJI annually for FY2005 through FY2008. In October 2004, the House agreed to the Senate-amended version of H.R. 2714, and the bill was signed by the President into law (P.L. 108-372). Earlier, in its report on H.R. 2714 (H.Rept. 108-285, p. 2), the House Judiciary Committee endorsed SJI's continued operation. "Sustaining the Institute's operations," the committee said,

... is necessary because the states, as a practical matter, devote the great majority of their judicial funding to address personnel, construction, and maintenance needs. They simply lack the resources to develop programs that improve the administrative efficiency and overall productivity of their courts.

SJI serves a Federal interest precisely because it makes state courts more efficient. State courts are the primary fora in which the vast majority of lawsuits are resolved. In fulfilling that mission, state courts address Federal constitutional and statutory issues every day....

In sum if litigants largely resolve their legal differences at the state level — including those that involve Federal issues — then Congress promotes a Federal interest by supporting SJI.

In the FY2006 appropriations process, the House Appropriations Committee endorsed an approach of providing some directly appropriated funds to SJI, but with the institute as well seeking additional funding from Department of Justice grant programs. In reporting H.R. 2862, the House committee (in H.Rept. 109-118, p. 154) stated that it understood that SJI had "been unable to generate stable sources of non-Federal funding" and that the SJI had contacted bar associations and court organizations as possible alternative sources of funding. However, the committee noted, "these groups are not inclined to contribute to operations of the SJI beyond providing matching grant funds for individual projects." For this reason, the committee said, it continued to recommend funding for SJI even though the President's FY2006 request did not. The committee commended SJI for beginning to work with the Department of Justice's Office of Justice Programs (OJP) on issues involving state courts and encouraged SJI to continue to seeking funds from OJP grant programs. (In addition to SJI's FY2005 appropriation of \$2.6 million, funds transferred from OJP increased total funding available to SJI in FY2005 to \$3.4 million.)

Subsequently, in reporting its version of H.R. 2862, the Senate Appropriations Committee (in S.Rept. 109-88, p. 114) noted simply that SJI was created in 1984 “to further the development and adoption of improved judicial administration in State courts.”

House-Senate conferees on H.R. 2862, in recommending \$3.5 million for SJI for FY2006, did not address the subject of possible sources of SJI funding other than direct appropriation. Instead (in H.Rept. 109-272, p. 206), it focused on procedural requirements to be followed by applicants for SJI grants. The conferees stated that they expected that “successful applicants for new and continuing SJI grants will provide a cash match of not less than 50 percent of the total cost of the project,” and reminded grantees that “adherence to grant guidelines is required in order to receive further Federal funding.”

U.S. Commission on International Religious Freedom⁴⁰

The Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 (P.L. 105-292) as a federal government commission to monitor religious freedom abroad and to advise the President, the Secretary of State, and Congress on promoting religious freedom and combating intolerance in other countries. For FY2005, the Administration requested \$3.0 million for the commission and H.R. 4754 as passed by the House included that amount. The House Appropriations Committee in its report commended the commission for its efforts to promote religious freedom and urged the commission and the State Department to continue work on developing an Index on Religious Freedom that may be used to assess progress within regions and in specific countries. The Senate Appropriations Committee in reporting S. 2809 (S.Rept. 108-344) did not include any funds for the commission. As finally enacted as part of the Consolidated Appropriations Act, 2005, P.L.108-447, \$3.0 million was appropriated for the commission. The conference agreement also included language allowing the commission to procure temporary services for a study of the right to freedom of religion in North Korea.

For FY2006, the Administration requested \$3.0 million for the commission. Sec. 808 of S. 600, the Foreign Relations Authorizations for FY2006 and 2007, as introduced included \$3.0 million for the commission for FY2006 and such sums as may be necessary for FY2007 and the House measure, H.R. 2601, as agreed to by the House Committee on International Relations authorized \$3.3 million for each of fiscal years 2006 through 2011. H.R. 2862, as passed by the House, appropriated \$3.2 million for the commission for FY2006. In its report (H.Rept. 109-118) the Appropriations Committee urged the commission and the State Department to continue work on developing an Index on Religious Freedom. The Senate Appropriations Committee report (S.Rept. 109-96) recommends \$1 million for this account in FY2006.

⁴⁰ This section was written by Vita Bite, Specialist in International Relations, Foreign Affairs, Defense, and Trade Division.

U.S. Commission on Civil Rights⁴¹

The U.S. Commission on Civil Rights (Commission), established by the Civil Rights Act of 1957, investigates allegations of citizens that they were denied the right to vote based on color, race, religion, or national origin; studies and gathers information on legal developments constituting a denial of the equal protection of the laws; assesses federal laws and policies in the area of civil rights; and submits reports on its findings to the President and Congress when the Commission or the President deem it appropriate.

On November 22, 2005, President Bush signed P.L. 109-108 (H.R. 2862), the Departments of Science, State, Justice, Commerce and Related Agencies Appropriations Act, FY2006. The act provides \$9.05 million in FY2006 for the Commission, compared to the President's FY2006 request of \$9.1 million and FY2005 appropriations of \$8.98 million.

U.S. Commission on International Religious Freedom⁴²

The Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 (P.L. 105-292) as a federal government commission to monitor religious freedom abroad and to advise the President, the Secretary of State, and Congress on promoting religious freedom and combating intolerance in other countries. For FY2005, the Administration requested \$3.0 million for the commission and H.R. 4754 as passed by the House included that amount. The House Appropriations Committee in its report commended the commission for its efforts to promote religious freedom and urged the commission and the State Department to continue work on developing an Index on Religious Freedom that may be used to assess progress within regions and in specific countries. The Senate Appropriations Committee in reporting S. 2809 (S.Rept. 108-344) did not include any funds for the commission. As finally enacted as part of the Consolidated Appropriations Act, 2005, P.L.108-447, \$3.0 million was appropriated for the commission. The conference agreement also included language allowing the commission to procure temporary services for a study of the right to freedom of religion in North Korea.

For FY2006, the Administration requested \$3.0 million for the commission. Sec. 808 of S. 600, the Foreign Relations Authorizations for FY2006 and 2007, as introduced included \$3.0 million for the commission for FY2006 and such sums as may be necessary for FY2007, and the House measure, H.R. 2601, as agreed to by the House Committee on International Relations authorized \$3.3 million for each of fiscal years 2006 through 2011. H.R. 2862, as passed by the House, appropriated \$3.2 million for the commission for FY2006. In its report (H.Rept. 109-118) the Appropriations Committee urged the commission and the State Department to

⁴¹ This section was written by Garrine P. Laney, Analyst in Social Legislation, Domestic Social Policy Division.

⁴² This section was written by Vita Bite, Specialist in International Relations, Foreign Affairs, Defense, and Trade Division.

continue work on developing an Index on Religious Freedom. The Senate recommended \$1 million for this account in FY2006. The conference report (H.Rept. 109-272) recommended \$3.3 million for the commission, to remain available until September 30, 2007. The House agreed to the conference report on November 9 by a vote of 397 to 19, and the Senate agreed to the conference report on November 16 by a vote of 94 to 5. Section 638 of the adopted measure rescinds 0.28% for any discretionary account in the bill. The President signed the measure into law (P.L.109-108) on November 22, 2005.

U.S. Institute of Peace⁴³

The U.S. Institute of Peace (USIP) was established in 1984 by the U.S. Institute of Peace Act, Title XVII of the Defense Authorization Act of 1985 (P.L. 98-525). USIP's mission is to promote international peace through such activities as educational programs, conferences and workshops, professional training, applied research, and facilitating dialogue in the United States and abroad. Prior to the FY2005 budget, USIP funding came from the Labor, HHS appropriation. In the FY2005 budget process, it was transferred to the Commerce, Justice, State and related agencies appropriation primarily for relevancy reasons. The FY2003 actual budget was \$16.3 million and the FY2004 estimate is \$17.1 million. Also in FY2004, USIP received \$10 million within the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan (P.L. 108-106) and a \$3 million grant from the Department of State to facilitate the Philippines peace process. Congress enacted a total of \$121.9 million for the Institute of Peace in FY2005. In addition to its appropriation of \$22.7 million, it received \$99.2 million (after rescissions) for facility construction (CAA, Div. J, Sec.118).

For the FY2006 request, the Administration requested \$21.85 million. The House bill (H.R. 2862) provided \$22.85 million for USIP for FY2006. The Senate State, Foreign Operations Appropriation bill (H.R. 3057) provided \$21.85 million for USIP in FY2006. The final enacted FY2006 funding level is \$22.35 million.

Related CRS Products

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

CRS Report RS20418, *Funding for Major Civil Rights Enforcement Agencies*, by Garrine Laney.

CRS Report RS20204, *Securities Fees and SEC Pay Parity*, by Mark Jickling.

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

⁴³ This section was written by Susan B. Epstein, Specialist in Foreign Affairs and Trade, Foreign Affairs, Defense, and Trade Division.

CRS Report RL32589, *The Federal Communications Commission: Current Structure and its Role in the Changing Telecommunications Landscape*, by Patty Figliola.

Related Legislation

H.R. 230 (Sweeney)

To amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes. Reported by Small Business Committee (H.Rept. 109-208).

H.R. 527 (Brady) S. 139 (Kerry)

Vocational and Technical Entrepreneurship Development Act of 2005 - Amends the Small Business Act to direct the Administrator of the Small Business Administration to establish a program under which the Administrator shall make grants to, or may enter into cooperative agreements with, State small business development centers to provide, on a statewide basis, technical assistance to secondary schools, or to post-secondary vocational or technical schools, for the development and implementation of curricula designed to promote vocational and technical entrepreneurship. H.R. 527 reported by the Small Business Committee on July 28, 2005 (H.Rept. 108-207)

H.R. 2982 (Wynn)

To require the Federal Communications Commission to reorganize the bureaus of the Commission in order to better carry out their regulatory functions. Introduced and referred to House Committee on Energy and Commerce on June 17, 2005.

Table 10. FY2006 Funding for CJS Related Agencies
(\$ millions in budget authority)

Bureau or Agency	FY2004 enacted	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 Enacted
U.S. Commission on Civil Rights	\$9.1	\$9.0	\$9.1	\$9.0	\$9.1	\$9.0
U.S. Commission on International Religious Freedom ^a	\$3.0	\$3.0	\$3.0	\$3.2	\$1.0	\$3.3
Equal Employment Opportunity Commission (EEOC)	\$324.9	\$326.8	\$331.2	\$331.2	\$331.2	\$331.2
Federal Communications Commission (FCC) ^b	\$1.0	\$1.0	\$4.8	\$1.0	\$1.0	\$1.0
Federal Trade Commission	\$50.4	\$81.4	\$72.0	\$72.0	\$72.0	\$72.0
Legal Services Corporation	\$335.3	\$330.8	\$318.3	\$330.8	\$358.5	\$330.8
Securities and Exchange Commission ^c	\$691.5	\$856.0	\$863.1	\$863.1	\$863.1	\$863.1
Small Business Administration	\$711.3	\$1,500.8	\$453.7	\$655.3	\$1,216.6	\$456.4
State Justice Institute ^d	\$2.2	\$2.6	\$0.0	\$2.0	\$5.0	3.5
U.S. Institute of Peace ^a	\$27.1	\$121.9	\$21.9	\$22.9	\$21.9	\$22.4
Other ^e	\$14.2	\$13.1	\$12.9	\$12.6	\$11.3	\$13.2
Total Title V	\$2,170.0	\$3,246.4	\$2,090.0	\$2,303.1	\$2,890.7	\$2,105.9

Source: U.S. House of Representatives, U.S. Senate, Committees on Appropriations; CRS estimates.

- a. Senate funding for these agencies are through the State/Foreign Operations Appropriations bill. They are not included in the Senate total for this table.
- b. The FCC is partially funded by offsetting fee collections.
- 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 FY2006 budget proposed nothing for SJI, the Institute requested \$5.0 million for itself.
- e. "Other" includes agencies receiving appropriations of \$3.0 million or less in FY2005. These agencies include the Commission for the Preservation of American Heritage Abroad; Commission on Security and Cooperation in Europe; Antitrust Modernization Commission; the Marine Mammal Commission; the Congressional/Executive Commission on China; the National Veterans Business Development Corp; the U.S.-China Economic and Security Review Commission; U.S. Senate-China Interparliamentary Group, and the HELP Commission are funded by the House SSJC bill. Of these, only the Antitrust Modernization Commission; the National Veterans Business Development Corp; and the Marine Mammal Commission are funded through the Senate CJS bill.

Appendix. SSJC/CJS Appropriations by Department, FY2006
(\$ millions in budget authority)

Bureau or Agency	FY2004 Enacted	FY2005 Enacted	FY2006 Request	FY2006 House-passed	FY2006 Senate-passed	FY2006 Enacted
Title I: Department of Justice						
General Administration	\$1,316.6	\$1,608.3	\$1,977.3	\$1,834.8	\$1,850.7	\$1,800.9
U.S. Parole Commission	\$10.5	\$10.5	\$11.3	\$11.2	\$11.0	\$11.0
Legal Activities	\$3,078.5	\$3,192.8	\$3,331.3	\$3,327.4	\$3,232.3	\$3,299.1
Interagency Law Enforcement	\$550.6	\$553.5	\$661.9	\$506.9	\$440.2	\$489.4
Federal Bureau of Investigation	\$4,590.7	\$5,209.5	\$5,691.1	\$5,741.1	\$5,320.7	\$5,766.3
Drug Enforcement Administration	\$1,584.5	\$1,638.8	\$1,694.2	\$1,716.2	\$1,647.1	\$1,686.5
Alcohol, Tobacco and Firearms	\$827.3	\$882.5	\$923.6	\$923.6	\$923.7	\$923.6
Federal Prison System	\$4,811.2	\$4,779.8	\$4,755.1	\$4,969.1	\$5,115.1	\$4,986.1
Office of Justice Programs	\$3,164.9	\$2,611.0	\$1,205.7	\$2,319.9	\$2,584.6	\$2,319.9
Other	\$84.5	\$407.1	\$311.3	\$409.7	\$372.0	\$386.7
Title I Total:	\$19,850.3	\$20,893.8	\$20,562.8	\$21,759.9	\$21,497.4	\$21,669.5
Title II: Department of Commerce and Related Agencies						
International Trade Administration	\$378.1	\$388.3	\$395.9	\$393.9	\$396.6	\$398.9
Bureau of Industry and Security	\$67.5	\$67.5	\$77.0	\$77.0	\$77.0	\$76.0
Economic Development Administration	\$315.3	\$284.1	\$26.6	\$227.6	\$524.9	\$284.1
Minority Business Development Agency	\$28.6	\$29.5	\$30.7	\$30.0	\$30.7	\$30.0
Economic and Statistical Analysis	\$74.2	\$78.9	\$85.3	\$80.3	\$81.3	\$80.3
Economic Development Challenge Grant	--	--	\$3,710.0	--	--	--
Bureau of the Census	\$624.2	\$744.8	\$877.4	\$812.2	\$727.4	\$812.2
National Telecommunications and Information Administration	\$51.1	\$38.7	\$23.5	\$19.7	\$62.3	\$40.1
Patent and Trademark Office ^a	(\$1,222.5)	(\$1,544.8)	(\$1,703.0)	(\$1,703.3)	(\$1,703.3)	(\$1,683.1)
Technology Administration	\$6.3	\$6.5	\$4.2	\$6.5	—	\$6.0
National Institute of Standards and Technology	\$621.5	\$699.2	\$532.0	\$548.7	\$844.5	\$761.8
National Oceanic and Atmospheric Administration	\$3,701.0	\$3,925.2	\$3,581.2	\$3,379.0	\$4,476.0	\$3,946.0
Departmental Management	\$67.7	\$78.7	\$106.3	\$70.2	\$72.4	\$74.2
Other	\$8.1	\$209.0	—	—	—	—
<i>Department of Commerce Subtotal:</i>	<i>\$5,943.5.</i>	<i>\$6,550.4</i>	<i>\$9,450.0</i>	<i>\$5,645.1</i>	<i>\$7,293.1</i>	<i>\$6,509.6</i>
U.S. Trade Representative	\$41.6	\$41.0	\$38.8	\$44.8	\$41.0	\$44.8
International Trade Commission	\$57.7	\$60.8	\$65.3	\$62.8	\$62.7	\$62.8
National Intellectual Property Law Enforcement Coordinating Council	—	\$2.0	—	—	—	—
Related Agencies Subtotal:	\$99.3	\$103.8	\$104.1	\$107.6	\$103.8	\$107.6
Rescission	(\$100.0)			(\$35.0)	—	—
Title II Total:	\$5,942.8	\$6,654.2	\$9,554.1	\$5,752.7	\$7,396.8	\$6,617.2

Bureau or Agency	FY2004 Enacted	FY2005 Enacted	FY2006 Request	FY2006 House-passed	FY2006 Senate-passed	FY2006 Enacted
Title III: Science						
NASA	\$15,378.0	\$16,196.4	\$16,456.4	\$16,471.0	\$16,396.0	\$16,456.8
National Science Foundation	\$5,652.0	\$5,472.8	\$5,605.0	\$5,643.4	\$5,531.0	\$5,653.4
Exec Office of the President	\$7.0	\$6.3	\$5.6	\$5.6	\$5.6	\$5.6
Title III Total:	\$21,037.0	\$21,675.5	\$22,067.0	\$22,120.0	\$21,932.6	\$22,115.8
Title IV: Department of State						
Administration of Foreign Affairs	\$7,007.2	\$7,688.4	\$6,776.1	\$6,640.3	\$6,733.9	\$6,649.1
International Organizations and Conferences	\$1,694.9	\$2,329.7	\$2,332.0	\$2,179.8	\$2,201.7	\$2,201.7
International Commissions	\$57.1	\$63.3	\$70.3	\$63.8	\$70.0	\$67.3
Related Appropriations	\$78.0	\$100.0	\$104.9	\$66.9	\$51.7	\$115.1
<i>Subtotal: State Department^b</i>	<i>\$8,837.2</i>	<i>\$10,181.4</i>	<i>\$9,283.3</i>	<i>\$8,950.7</i>	<i>\$9,138.3</i>	<i>\$9,033.2</i>
International Broadcasting	\$591.5	\$598.9	\$651.9	\$630.9	\$651.9	\$652.4
Title IV Total	\$9,428.7	\$10,780.3	\$9,935.2	\$9,581.6	\$9,790.2	\$9,685.6
Title V: Related Agencies						
Commission on Civil Rights	\$9.1	\$9.0	\$9.1	\$9.1	\$9.0	\$9.0
U.S. Commission on International Religious Freedom ^c	\$3.0	\$3.0	\$3.0	\$3.2	\$1.0	\$3.3
Equal Employment Opportunity Commission (EEOC)	\$324.9	\$326.8	\$331.2	\$331.2	\$331.2	\$331.2
Federal Communications Commission (FCC) ^d	\$1.0	\$1.0	\$4.8	\$1.0	\$1.0	\$1.0
Federal Trade Commission	\$50.4	\$81.4	\$72.0	\$72.0	\$72.0	\$72.0
Legal Services Corporation	\$335.3	\$330.8	\$318.3	\$330.8	\$358.5	\$330.8
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Small Business Administration	\$711.3	\$1,500.8	\$453.7	\$655.3	\$1,216.6	\$456.4
State Justice Institute ^f	\$2.2	\$2.6	—	\$2.0	\$5.0	\$3.5
U.S. Institute of Peace ^c	\$27.1	\$121.9	\$21.9	\$22.9	\$21.9	\$22.4
Other ^g	\$14.2	\$13.1	\$12.9	\$15.6	4.0	
Total Title V	\$2,170.0	\$3,246.4	\$2,090.0	\$2,303.1	\$2,890.7	\$2,105.9
Title VII: Rescissions^g						
Total Title VII Rescissions	(\$307.2)	(\$311.2)	(\$50.2)	(\$224.0)	(\$298.8)	(\$396.9)
Grand Total (in Bill)^h	\$58,121.6	\$62,939.0	\$64,158.9	\$61,293.3	\$63,209.3	\$61,797.1

Source: U.S. House of Representatives, U.S. Senate, Committees on Appropriations; CRS estimates.

Notes:

- 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.
- 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 FY2004 is estimated to be \$687.5 million and the FY2005 appropriation includes \$661.5 million in fee collections.
- Senate funding for these agencies are through the State/Foreign Operations Appropriations bill.
- The FCC is partially funded by fee collections.

- e. The SEC is fully funded by transaction fees and securities registration fees.
- f. 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 FY2006 budget proposed nothing for SJI, the Institute requested \$5.0 million for itself.
- g. "Other" includes agencies receiving appropriations of \$3.0 million or less in FY2005. These agencies include the Commission for the Preservation of American Heritage Abroad; Commission on Security and Cooperation in Europe; Antitrust Modernization Commission; the Marine Mammal Commission; the Congressional/Executive Commission on China; the National Veterans Business Development Corp; the U.S.-China Economic and Security Review Commission; U.S. Senate-China Interparliamentary Group, and the HELP Commission are funded by the House SSJC bill. Of these, only the Antitrust Modernization Commission; the National Veterans Business Development Corp; and the Marine Mammal Commission are funded through the Senate CJS bill and reflected in the Senate total. The others are funded by the State/Foreign Operations Appropriations legislation.