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**DRAFT**

## Appropriations Policy Brief

### H.R. 3058 – Transportation, Treasury, HUD, Judiciary, and District of Columbia Appropriations Act for FY 2006 *Conference Report*

#### BY THE NUMBERS:

*In Millions of Dollars*

	FY05 Enacted	FY06 Request	FY06 House Bill	FY06 Senate Bill	FY06 Conf Report*
Appropriations	66,422	60,703	66,934	65,802	65,900
<i>Emergency</i>	<i>1,459</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<b>Total</b>	<b>67,881</b>	<b>60,703</b>	<b>66,934</b>	<b>65,802</b>	<b>65,900</b>

\*A CBO score is not yet available. All conference report figures are based on information provided by the House Appropriations Committee.

#### **Excluding Emergency Appropriations, the Committee Bill is:**

- \$522 million (0.8%) less than last year
- \$5.2 billion (8.6%) more than the request (see note)
- \$1 billion (1.5%) less than the House-passed bill
- \$98 million (0.1%) more than the Senate-passed bill

**Note:** H.R. 3058 exceeds the request *in part* because the conferees chose not to adopt the President's Strengthening America's Grant Program reforms. This proposal would have consolidated and transferred a number of grant programs, including the Community Development Block Grant Program, from HUD to Commerce.

**Budget Compliance:** A CBO cost estimate is not yet available. However, at the Committee's asserted level of \$65.9 billion, the bill would be within the 302(b) allocation of the Transportation, Treasury, and HUD Appropriations Subcommittee and would comply with the Budget Act.

## **Items of Note:**

**“Bridges to Nowhere”:** Transfers to the Alaska Department of Transportation and Public Facilities:

- the \$100 million earmarked in Public Law 109-59 (the surface transportation authorization act) for the construction of a bridge joining the Island of Gravina (which reportedly has 50 permanent residents) to Ketchikan, AK; and
- the \$151 million earmarked in Public Law 109-59 for the construction of Knik Arm Bridge, AK.

**NOTE:** This provision does NOT eliminate the funds for these bridges—it only transfers them to the Alaska DoT for use at its discretion.

**Avian Flu:** Directs the FAA to ensure that airports and air carriers take the proper steps to prevent the spread of avian flu.

**Amtrak (*National Railroad Passenger Corporation*):** Contains \$1.32 billion for Amtrak (\$495 million for operating grants, \$780 million for debt service, and \$40 million for efficiency incentive grants). Includes the following reforms:

- Directs the Secretary of Transportation to approve funding to cover Amtrak’s operating losses ONLY after receiving, reviewing, and approving a grant request financially justifying each specific train route.
- Instructs Amtrak to achieve savings through operating efficiencies in such areas as food and beverage service and first class service.
- If DoT’s Inspector General cannot verify such operational savings by July 1, 2006, no funds in this Act after such date could be used to subsidize the net losses of food and beverage service and sleeper car service.
- Earmarks \$5 million to develop a managerial cost accounting system.
- Adds required details to Amtrak’s forthcoming business plan for FY2006.
- Prohibits funds from being used after March 1, 2006, for any route offering a discounted fare more than 50% off the normal, peak fare.
- Directs the Secretary of Transportation to approve funding Amtrak’s capital projects ONLY after receiving, reviewing, and approving a grant request financially justifying each project.
- Directs the Secretary to assess fees to each commuter rail authority for any direct capital or maintenance costs associated with that authority’s usage of the Northeast Corridor.

**Member Pay Raise:** Does NOT include language blocking a pay increase for Members of Congress. The pay increase will automatically happen under existing law, unless Congress enacts separate legislation blocking the pay raise.

**Housing Certificate Fund Rescission:** Rescinds \$2.05 billion in unobligated balances from the Section 8 rental assistance programs, as proposed by the Administration.

**Native Hawaiian Funding:** Includes over \$15 million to fund various programs for Native Hawaiians, including the Community Development Financial Institutions Fund, the Native Hawaiian Housing Block Grant, and the Native Hawaiian Housing Loan Guarantee Fund Program. Some conservatives may be concerned that such benefits are being dispensed as if Native Hawaiians constitute an Indian tribe. However, Native Hawaiians are a racial group – not a tribe – and dispensing benefits to them would likely be subject to strict scrutiny in federal courts. For more information on why Native Hawaiians are not a tribe and why they should not

be made into a tribe, please see the following brief from the Senate Republican Policy Committee: <http://rpc.senate.gov/files/Jun2205NatHawSD.pdf>

**Return-Free Filing:** Does **NOT** include language prohibiting the IRS from implementing a “return-free” tax-return filing system, in which the IRS would become tax collector, effectively sending bills to taxpayers that taxpayers would have to affirmatively dispute if incorrect.

**IRS Training and 1-800 Improvements:** Maintains the IRS’ employee training program on taxpayer rights, customer service, and “cross-cultural relations.” Mandates improvements to the IRS’ 1-800 help line service.

**\$1 Bill:** Prohibits a redesign of the \$1 bill.

**La Raza:** Appropriates \$4 million to La Raza, a known leftist-activist organization, for housing development projects.

**Domestic Partner Benefits in the District of Columbia:** Maintains the provision that prohibits federal funds, but NOT District funds from being used to provide employment, health, or governmental benefits to unmarried (whether heterosexual or homosexual) domestic partners.

**Abortion Funding Ban in the District of Columbia:** Maintains the prohibition on the use of federal or District funds for abortions (except for the life of the mother or in cases of rape or incest).

**Self-Determination for the District of Columbia:** Maintains the prohibition on the use of federal or District funds to seek voting representation in Congress or statehood for the District.

**Needle Exchange in the District of Columbia:** Maintains the prohibition on the use of federal or District Funds for the operation of needle exchange programs.

**District of Columbia School Improvements:** Provides \$40 million for D.C. public schools.

**D.C. Federal Payment for Marriage Development and Improvement:** Provides \$3 million for a federal payment for marriage development and improvement in D.C, of which \$1.5 million is to be for the Capital Area Asset Building Corporation for the establishment of marriage development accounts. \$1.5 million is to be available for mentoring, counseling, community outreach, and training, of which \$850,000 is for the National Center for Fathering and \$650,000 for the East Capitol Center for Change.

**Medical Marijuana in the District of Columbia:** Maintains the prohibition on the use of federal or District funds to implement any medical marijuana program.

**Anacostia Waterfront Initiative:** Provides \$3 million (down from \$5 million in the House-reported version) for the Anacostia Waterfront Initiative. Last year, \$3 million was provided for the project. According to the Appropriations Committee, the initiative is a multi-year project to revitalize the communities along the Anacostia River by designing and constructing a pedestrian and bike path from the Potomac River to the Maryland border.

**Abortion Funding Ban in the FEHBP:** Maintains the prohibition on the use of funds for abortions through the Federal Employee Health Benefit Program (except for the life of the mother or in cases of rape or incest).

**Counterdrug Technology Assessment Center:** Provides \$30 million for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act.

**National Anti-Drug Campaign for Youth:** Provides \$194 million to support a national anti-drug campaign for youth, \$100 million of which to support a national media campaign, as authorized by the Drug-Free Media Campaign.

**Election Assistance Commission:** Provides \$14.2 million for the Help America Vote Act, of which \$2.8 million is to be for the National Institute of Standards and Technology for election reform activities.

**Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation:** Provides \$2 million for these scholarships.

**Neighborhood Reinvestment Corporation:** Provides \$188 million to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, **of which \$5 million is for a multi-family rental housing program.**

**Prohibition of Federal Agency Monitoring of Individuals' Internet Use:** Provides that none of the funds made available in the bill may be used by any federal agency to collect, review, or create any data regarding personally identifiable information relating to an individual's access to, or use of, any federal government internet site of the agency or to enter into any contract to collect and review the same information.

**Prohibition of Funds Regarding Contraceptive Coverage:** Provides that none of the funds available may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

**Public-Private Competition:** Provides that none of the funds made available to convert to contractor performance, an activity or function of an executive agency, *unless* the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan. Additionally, the bill clarifies that nothing in the Office of Management and Budget Circular A-76 is to prevent the head of an executive agency from conducting a public-private competition to evaluate the benefits of converting work from contract performance to performance by federal employees in appropriate instances.

**Prohibition on Funds to Produce News Stories:** Provides that none of the funds available may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the U.S., unless the story includes a clear notification within the text or audio of the pre-packaged news story that the story was prepared or funded by that agency.

**Executive Department, Employee Credit Card "Worthiness:"** Requires that all individuals being issued an executive department and agency government travel charge card, be evaluated for credit card "worthiness."

## **Earmarks:**

Includes in the bill **TEXT** (mostly for new GSA construction or repairs):

- \$230 million for U.S. Courthouse, San Diego, CA
- \$34.5 million for federal building in Tuscaloosa, AL
- \$4.6 million for Lakewood, Denver federal center infrastructure
- \$13 million for St. Elizabeth's West Campus Infrastructure
- \$5.2 million for Jefferson City, U.S. Courthouse
- \$54.4 million for Herbert Hoover Building
- \$10 million for Chlorofluorocarbons Program
- \$400,000 million for Beans' Cafe in Anchorage, Alaska for expansion of the kitchen
- \$100,000 million for the City of Elmer, New Jersey for expansion of Appel Farms Arts and Music Center
- \$300,000 for the Rutgers-Camden Business Incubator, for the expansion of the business incubator
- \$15 million for Alaska and Hawaii ferry projects
- \$2 million for the City of Miami Streetcar
- \$400,000 for a City of Rock Hill, SC, Trolley Study
- \$5 million for the Denali Commission, AK

Includes dozens of earmarks for airport runway extensions and repairs and ferry in the joint explanatory statement.

Includes **thousands** of individual projects in the joint explanatory statement, a small sampling of which includes:

- \$750,000 for a pedestrian bridge in Orting, WA
  - \$150,000 for an industrial park in AL
  - \$450,000 for county fairgrounds in OH
  - \$150,000 for a bike path in Thompson, CT
  - \$500,000 for a parking garage in Windham, CT
  - \$1,500,000 for a computerized traffic signal system in Houston, TX
  - \$100,000 for a county tourism mural project in WV
  - \$800,000 for pedestrian enhancements at the Brooklyn Children's Museum in New York City
  - \$250,000 for city pool improvements in Banning, CA
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