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## Appropriations Policy Brief

### H.R. 2862 — Science, State, Justice, and Commerce Appropriations Act for FY 2006

#### BY THE NUMBERS:

*In Millions of Dollars*

	FY05	FY06 Bush Request	FY06 Committee	Cmte v. Request	Cmte v. FY05
Appropriations	57,377	60,616	57,453	-3,163	+76
<i>Emergency Approps</i>	1,101	0	0	0	-1,101
<b>TOTAL</b>	58,478	60,616	57,453	-3,163	-1,025

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

- **\$76 million or .1% more than last year**
- **\$3.2 billion or 5.2% less than the request**

H.R. 2862 is \$3.2 billion less than the request because the Committee 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 the Housing Department to Commerce. As a result, this is one reason why the allocation for the Transportation, Treasury, and HUD Appropriations Subcommittee is substantially higher than the President's request.

**Budget Compliance:** According to CBO, the bill is within the 302(b) allocation of the Science, State, Justice, and Commerce Appropriations Subcommittee and thus complies with the Budget Act.

**Unauthorized Appropriations:** According to the Committee report, the bill appropriates \$59.2 billion for unauthorized programs (essentially the entire bill). The Rules of the House prohibit this practice, but the rule governing consideration of the bill is expected to waive this restriction. **Note:** H.R. 2862 costs less than the amount appropriated to unauthorized programs as a result of certain offsets that lower the cost of the bill.

# **Presidential Terminations and Reductions Initiative:**

## **Overview:**

- The President proposed a total of \$2.9 billion in terminations and reductions to programs within the Science, State, Justice, and Commerce Appropriations Subcommittee's jurisdiction.
- The Committee terminated 16 program but achieved only \$490 million in savings, \$2.4 billion less than the request with regard to these select programs. The Committee also funded three new programs (see Items of Note).

**Advanced Technology Program (ATP):** Eliminates the Commerce Department's Advanced Technology Program, saving \$136 million as requested by the Administration. This program provides matching grants to corporations for research in electronics and biotechnology. According to the Heritage Foundation, five companies (IBM, General Electric, General Motors, 3M, and Motorola) have received 21% of the program's benefits since 1990. In addition, 40 *Fortune* 500 companies – with combined revenues of \$1 trillion and profits of \$11 billion in 2002 – have received 40% of ATP benefits. The Congressional Budget Office also targeted this program for termination. It estimated that such action would allow taxpayers to reap the benefits of \$2 billion in savings over ten years. Sources: "Budget Options," CBO, March 2003; Brian Riedl, "The Advanced Technology Program: Time to End this Corporate Welfare Handout," Heritage Foundation, July 15, 2003

**Emergency Steel Guarantee Loan Program:** Rescinds \$35 million in remaining credit subsidies from the Commerce Department's Emergency Steel Guarantee Loan Program, which was created in 1999 to help steel firms suffering from financial losses. The Administration proposed to rescind \$50 million arguing the program consists of an unwarranted corporate subsidy, especially considering the Administration imposed temporary tariffs in 2002 to protect the domestic steel industry.

**Manufacturing Extension Partnership:** Reduces funding slightly for the Commerce Department's Manufacturing Extension Partnership from \$108 million to \$106 million. This program provides consulting services to businesses, and the Administration requested it receive only \$47 million, believing that firms should pay such consulting costs themselves and that less funding is needed to sustain the current network of centers nationwide.

**Public Telecommunications Facilities, Planning and Construction Program (PTFP):** Terminates the Commerce Department's PTFP, saving \$19 million as requested by the Administration. This program provides matching grants for the planning and construction of public telecommunications facilities, but since 2000, almost 70 percent of the funding has gone to public television stations converting to digital broadcasting. The Administration argued that the program is not necessary due to alternative funding streams, primarily the Corporation for Public Broadcasting which is already assisting with public television stations' digital transition.

**Byrne Discretionary Grants:** Reduces funding for the Byrne Discretionary Grant Program, which assists State and local law enforcement with violent and drug-related crime control, from \$168 million to \$110 million. The Administration proposed to terminate the program citing no demonstrable evidence that the program has had any impact on crime rates. In addition, the program attracts a high number of earmarks from year to year (see pages 43-48 of the Committee Report).

**Byrne Justice Assistance Grants:** Reduces funding for the Byrne Justice Assistance Grant Program, which assists State and local law enforcement with violent and drug-related crime

control, from \$626 million to \$348 million, saving \$278 million. The Administration proposed to terminate the program citing no demonstrable evidence that the program had any impact on crime rates.

**COPS Hiring Grants:** Terminates \$10 million in funding for the Community Oriented Policing Services (COPS) Hiring Grant Program, which provides temporary grants to help local police departments hire additional police officers. The Administration proposed to terminate the program because its stated goal of hiring 100,000 officers has been accomplished with the hiring of over 118,000 officers.

**COPS Interoperable Communications Technology Grant:** Terminates the COPS Interoperable Communications Technology Grant Program (for communications equipment upgrades for emergency response agencies), saving \$99 million as requested by the Administration. The Administration proposed terminating the program because it is duplicative of certain Department of Homeland Security grants.

**COPS Law Enforcement Technology Grants:** Reduces funding for the COPS Law Enforcement Technology Grant program (for crime fighting technology and equipment) from \$137 million to \$120 million. The Administration proposed to terminate the program citing no demonstrable evidence that the program has had any impact on crime rates. In addition, the program attracts a high number of earmarks from year to year (see pages 52-60 of the Committee Report).

**Juvenile Accountability Block Grants:** Increases funding for Juvenile Accountability Block Grants from \$54 million to \$60 million, instead of terminating the program as requested by the Administration. The program provides grants to States and localities to improve their juvenile justice systems, but the Administration argued it no longer justified funding with crime rates historically low and falling juvenile arrests.

**Office of Justice Programs:** Eliminates five small grant programs within the Office of Justice Program, saving \$70 million, including the following: Crime Information Technology Assistance Program (\$28 million), the Coverdell Forensic Science Program (\$15 million), Police Corps (\$15 million), COPS Police Integrity Grants (\$7 million), Alzheimer Patient Safe Return Program (\$1 million), and the COPS Safe Schools Program (\$4 million). The Administration proposed an additional \$15 million in savings.

**Juvenile Justice Law Enforcement Assistance Programs:** Increases funding for the Juvenile Justice Programs from \$288 million to \$333 million, an increase of \$45 million. These programs provide funds to prevent and reduce juvenile delinquency. The Administration proposed only \$232 million for the program, citing the programs' inability to demonstrate results and falling juvenile crime rates.

**State Criminal Alien Assistance Program:** Increases funding for the State Criminal Alien Assistance Program from \$301 million to \$355 million. The program reimburses State and local governments for costs associated with incarcerating criminal illegal aliens in their facilities, but the funds can be used for any lawful purpose by the States. The Administration proposed to terminate the program, citing a failure to demonstrate results.

**Federal Bureau of Prisons Construction Program:** Reduces funding for the Federal Bureau of Prisons Construction Program from \$186 million to \$70 million, saving \$116 million. This program funds construction and acquisition of new prisons facilities and the repair of existing

facilities. The Administration requested \$333 million in savings, including a specific rescission of funds for two prisons which are not scheduled to receive prisoners until 2009.

**National Veterans Business Development Corporation (NVBDC):** Eliminates funding for the NVBDC, saving \$2 million as requested by the Administration. The corporation was created to help veterans receive technical assistance in starting small businesses, but it was supposed to be self-financing by 2003.

**SBA Microloan Program:** Terminates the SBA Microloan Program, which provides start-up loans for small businesses, saving \$15 million. The Administration proposed to terminate this program because it is duplicative of other SBA programs.

**Small Business Investment Company Participating Securities Program:** Terminates the Small Business Investment Company Participating Securities Program, which provides venture capital for small businesses. The Administration proposed terminating the program because of roughly \$2.2 billion in losses sustained by the taxpayer over ten years. The program did not receive an appropriation in FY05.

**U.S. Institute of Peace's New Facility:** Stops funding for the U.S. Institute of Peace's new headquarters building, saving \$99 million as requested by the Administration. The building was intended to be built by private donations but received an appropriation in FY05.

**NASA Programs:** Increases total funding for NASA from \$16.2 billion to \$16.5 billion, an increase of \$274 million and \$15 million more than the Administration requested. In addition, it appears from the Committee Report that the Committee continues funding for the Hubble Space Telescope Robotic Servicing Mission (\$291 million), the Vehicle Systems Program (\$459 million), and the Jupiter Icy Moon Orbiter (\$280 million). The Administration proposed to scale these programs back significantly.

**Other Programs Terminated (Unrequested):**

- International Center for Middle Eastern-Western Dialogue (\$7 million)
- U.S. Travel and Tourism Promotion (\$10 million)
- Radiation Exposure Compensation Act Program (\$27 million)
- PRIME Technical Assistance Program (\$5 million)

## **Items of Note:**

**Legal Services Corporation (LSC):** Continues funding for the LSC at \$331 million, \$13 million above the request. Some conservatives have expressed concern that this program continues to fund questionable litigation at taxpayer expense. For instance, LSC funds were used to represent a Michigan State legislator making roughly \$80,000 a year, in a personal real estate case. In addition, LSC funds were used to sue an Ohio farmer (who eventually won the case) who fired five workers for either not showing up for work or displaying a poor work ethic. Source: National Legal and Policy Center

**Ban on LSC Funding of Abortion-Related Litigation:** Retains the ban on LSC funds flowing to organizations that engage in abortion-related litigation.

**New Anti-Gang Program:** Creates a \$60 million for a grant program to implement anti-gang initiatives in judicial districts across the nation.

**Harold Rogers Prescription Drug Monitoring Program:** Includes \$10 million (\$5 million above the request) for States to implement prescription drug monitoring systems. The program was created in the FY02 CJS Appropriations bill.

**New Cannabis Eradication Program:** Creates a marijuana eradication program to be administered by the DEA, costing \$11.6 million.

**New Capital Litigation Improvement Grant Program:** Funds a new program pursuant to the Justice for All Act of 2004 (P.L. 108-405) that authorized a new grant program to improve the quality of legal representation and prosecuting in certain capital cases.

**Ban on Abortion Funding for Prisoners:** Retains the ban on abortion funding for federal prisoners and the conscience protection for prison employees who do not want to perform or facilitate an abortion.

**Ban on Funding for the Palestinian Broadcasting Corporation:** Prohibits funding from being made available to the Palestinian Broadcasting Corporation.

**Ban on Human Patenting:** Retains the ban on funds being used to issue patents on humans.

## Earmarks:

The Committee Report normally earmarks funding for projects that are not requested by the Administration. The Committee continues this practice this year.

## Funding Summaries:

*In thousands*

	FY 2005 Enacted	FY 2005 Request	FY 2006 Cmte	Cmte Vs. FY 2005	Cmte Vs. Request	Cmte Vs. FY 2005	Cmte Vs. Request
<b>Department of Justice</b>							
General Administration.....	1,608,339	1,977,315	1,876,442	268,103	-100,873	16.67%	-5.10%
Parole Commission.....	10,496	11,300	11,200	704	-100	6.71%	-0.88%
Legal Activities.....	3,192,833	3,331,343	3,327,353	134,520	-3,990	4.21%	-0.12%
FBI.....	5,219,603	5,701,237	5,761,237	541,634	60,000	10.38%	1.05%
Drug Enforcement Administration.....	1,638,830	1,694,156	1,706,173	67,343	12,017	4.11%	0.71%
Bureau of Alcohol, Tobacco, and Firearms.....	882,465	923,613	923,613	41,148	0	4.66%	0.00%
Federal Prison System.....	4,779,825	4,755,126	4,969,126	189,301	214,000	3.96%	4.50%
Violence Against Women Office.....	382,103	362,997	387,497	5,394	24,500	1.41%	6.75%
Justice Assistance.....	224,856	1,203,477	227,466	2,610	-976,011	1.16%	-81.10%
State and Local Enforcement, Total.....	1,278,204	0	1,001,296	-276,908	1,001,296	-21.66%	
Justice Assistance Grants.....	625,531	0	348,466	-277,065	348,466	-44.29%	
Boys and Girls Club.....	83,865	0	85,000	1,135	85,000	1.35%	
National Institute of Justice.....	9,866	0	10,000	134	10,000	1.36%	
U.S. Freedom Corps.....	2,467	0	0	-2,467	0	100.00%	
Indian Assistance.....	17,760	0	0	-17,760	0	100.00%	
State Criminal Alien Assistance.....	300,926	0	355,000	54,074	355,000	17.97%	

	FY 2005 Enacted	FY 2005 Request	FY 2006 Cmte	Cmte Vs. FY 2005	Cmte Vs. Request	Cmte Vs. FY 2005	Cmte Vs. Request
Southwest Border Prosecutors.....	29,599	0	30,000	401	30,000	1.35%	
Byrne Grants.....	167,756	0	110,000	-57,756	110,000	-34.43%	
Drug Courts.....	39,466	0	40,000	534	40,000	1.35%	
Victims of Trafficking.....	9,866	0	10,000	134	10,000	1.36%	
Prison rape prevention.....	36,506	0	40,000	3,494	40,000	9.57%	
State Prison Drug Treatment.....	24,666	0	25,000	334	25,000		
Cannabis Eradication.....	0	0	11,600	11,600	11,600	0.00%	0.00%
Capital Litigation.....	0	0	10,000	10,000	10,000	0.00%	0.00%
Weed and Seed Program.....	61,172	0	50,000	-11,172	50,000	-18.26%	
Juvenile Justice Programs.....	379,045	0	333,712	-45,333	333,712	-11.96%	
Public Safety Officers Benefits Program.....	69,378	0	72,948	3,570	72,948	5.15%	
COPS Program.....	598,346	2,281	520,057	-78,289	517,776	-13.08%	
<b>Commerce Department</b>							
Trade Representative.....	40,997	38,779	44,779	3,782	6,000	9.23%	15.47%
International Trade Commission.....	60,876	65,278	62,752	1,876	-2,526	3.08%	-3.87%
International Trade Administration.....	388,257	395,925	393,925	5,668	-2,000	1.46%	-0.51%
Bureau of Industry and Security.....	67,480	77,000	77,000	9,520	0	14.11%	0.00%
Economic Development Admin.....	284,060	26,584	227,569	-56,491	200,985	-19.89%	756.04%
Minority Business Development Agency.....	29,500	30,727	30,024	524	-703	1.78%	-2.29%
Economic & Statistical Analysis.....	78,931	85,277	80,304	1,373	-4,973	1.74%	-5.83%
Bureau of Census.....	744,798	877,385	832,237	87,439	-45,148	11.74%	-5.15%
Telecommunications & Information Admin.....	38,678	23,450	19,716	-18,962	-3,734	-49.03%	-15.92%
Patent and Trademark Office.....	1,544,754	1,703,300	1,703,300	158,546	0	10.26%	0.00%
Technology Administration (S&E).....	6,460	4,200	6,460	0	2,260	0.00%	53.81%
National Institute of Standards and Technology.....	699,225	531,965	548,744	-150,481	16,779	-21.52%	3.15%
National Oceanic & Atmospheric Administration.....	3,925,167	3,581,219	3,429,000	-496,167	-152,219	-12.64%	-4.25%
Departmental Management.....	78,703	106,290	70,224	-8,479	-36,066	-10.77%	-33.93%
<b>Science</b>							
Office of Science and Technology Policy.....	6,328	5,564	5,564	-764	0	-12.07%	0.00%
NASA.....	16,196,400	16,456,400	16,471,050	274,650	14,650	1.70%	0.09%
Science, Aeronautics, and Exploration.....	9,334,700	9,661,000	9,725,750	391,050	64,750	4.19%	0.67%
Exploration Capabilities.....	6,704,400	6,763,000	6,712,900	8,500	-50,100	0.13%	-0.74%
Inspector General.....	31,300	32,400	32,400	1,100	0	3.51%	0.00%
National Science Foundation.....	5,472,824	5,605,000	5,643,370	170,546	38,370	3.12%	0.68%
<b>State Department</b>							
Diplomatic and Consular Programs.....	4,906,220	4,472,641	4,436,641	-469,579	-36,000	-9.57%	-0.80%
Educational & Cultural Exchange.....	355,932	430,400	410,400	54,468	-20,000	15.30%	-4.65%
Representation Allowances.....	8,524	8,281	8,281	-243	0	-2.85%	0.00%
Protection of Foreign Missions and Officials.....	9,762	9,390	9,390	-372	0	-3.81%	0.00%
Embassy Security, Construction.....	603,510	615,800	603,510	0	-12,290	0.00%	-2.00%
Worldwide Security.....	900,134	910,200	910,200	10,066	0	1.12%	0.00%
International Organizations.....	2,329,667	2,332,000	2,201,712	-127,955	-130,288	-5.49%	-5.59%
International Peacekeeping.....	695,056	650,000	650,000	-45,056	0	-6.48%	0.00%
International Commissions.....	63,273	70,302	63,800	527	-6,502	0.83%	-9.25%

	FY 2005 Enacted	FY 2005 Request	FY 2006 Cmte	Cmte Vs. FY 2005	Cmte Vs. Request	Cmte Vs. FY 2005	Cmte Vs. Request
Payment to Asia Foundation.....	12,827	10,000	10,000	-2,827	0	-22.04%	0.00%
Israeli Arab Scholarship Program.....	370	375	375	5	0	1.35%	0.00%
Eisenhower Exchange Fellowship Program.....	493	500	500	7	0	1.42%	0.00%
East-West Center.....	19,240	13,024	6,000	-13,240	-7,024	-68.81%	-53.93%
National Endowment for Democracy.....	59,199	80,000	50,000	-9,199	-30,000	-15.54%	-37.50%
Broadcasting Board of Governors.....	598,853	651,943	630,893	32,040	-21,050	5.35%	-3.23%
<b>Related Agencies</b>							
Antitrust Modernization Commission	1,172	1,620	1,172	0	-448	0.00%	-27.65%
Commission for America's Heritage Abroad.....	492	499	499	7	0	1.42%	0.00%
Civil Rights Commission.....	8,975	9,096	9,096	121	0	1.35%	0.00%
Commission on Int'l religious Freedom.....	2,960	3,000	3,200	240	200	8.11%	6.67%
Commission on Security and Cooperation in Europe...	1,806	2,030	2,030	224	0	12.40%	0.00%
Congressional-Executive Commission on China.....	1,875	1,900	1,900	25	0	1.33%	0.00%
State Justice institute.....	2,578	0	2,000	-578	2,000	-22.42%	
Equal Employment Opportunity Commission.....	326,803	331,228	331,228	4,425	0	1.35%	0.00%
Federal Communications Commission.....	281,085	304,057	289,771	8,686	-14,286	3.09%	-4.70%
Federal Trade Commission.....	204,327	211,000	211,000	6,673	0	3.27%	0.00%
HELP Commission.....	987	1,000	1,000	13	0	1.32%	0.00%
Legal Services Corporation.....	330,803	318,250	330,803	0	12,553	0.00%	3.94%
Marine Mammal Commission.....	1,865	1,925	1,865	0	-60	0.00%	-3.12%
Securities & Exchange Commission.....	856,000	863,117	863,117	7,117	0	0.83%	0.00%
Small Business Administration Salaries & Expenses...	318,029	307,159	318,029	0	10,870	0.00%	3.54%
China Economic and Security Review Commission.....	2,960	4,000	4,000	1,040	0	35.14%	0.00%
Institute of Peace.....	121,893	21,850	22,850	-99,043	1,000	-81.25%	4.58%

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