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Appropriations Policy Brief

H.R. 2862 — Science, State, Justice, and Commerce 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	57,377	60,616	57,452	48,643	57,854
Emergency	1,101	0	0	4,305	0
Total	58,478	60,616	57,452	52,948	57,854

Excluding Emergency Appropriations, the Committee Bill is:

- \$477 million (0.8%) more than last year
- \$2.76 billion (4.6%) less than the request*
- \$402 million (0.7%) more than the House-passed bill
- \$9.21 billion (18.9%) more than the Senate-passed bill*

***Overall Comparisons:** The Senate funded its State Department accounts through its Foreign Operations appropriations bill, leading to a much lower cost and a misleading comparison with both the House-passed version and the conference report. In addition, 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, from the Housing Department to Commerce. As a result, this is one reason why the President's request is substantially higher than the other bills.

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.

Program Terminations:

The House-passed version of H.R. 2862 included 14 terminations:

- Advanced Technology Program (\$80 million restored in conference)

- COPS Coverdell Forensics Science (\$18.5 million restored in conference)
- COPS Crime Identification Technology (\$28.7 million restored in conference)
- U.S. Travel and Tourism Promotion (\$4 million restored in conference)
- PRIME Technical Assistance (\$2 million restored in conference)
- International Center for Middle Eastern-Western Dialogue (\$5 million restored in conference)
- Public Telecommunications Facilities, Planning, and Construction (\$22 million restored in conference)
- U.S. Institute of Peace new facility funding (it appears that the conference report only provides funding for operating expenses and high priority activities of the Institute)

At press time, the conference funding levels for these remaining House-passed terminations were not yet evident:

- COPS Hiring Grants
- Small Business Investment Company Participating Securities
- Radiation Exposure and Compensation Act
- COPS Safe Schools Initiative
- COPS Police Integrity Grants
- Police Corps

Items of Note:

Advanced Technology Program (ATP): Provides \$80 million for the Commerce Department's Advanced Technology Program, down from the Senate's \$140 million funding level. 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 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.

Funding Abortions: Prohibits funds for the Justice Department from being used to pay for an abortion, "except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape." Should this prohibition be declared unconstitutional by an appropriate court, this provision would be null and void. No DoJ funds could be used to "require any person to perform, or facilitate in any way the performance of, any abortion."

Conscience Provision: Retains the conscience protection for Bureau of Prisons employees who do not want to perform or facilitate an abortion, while emphasizing that the Bureau would still have to provide escort services necessary for a female prisoner to receive an abortion outside the prison.

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

Legal Services Corporation (LSC): Continues funding for the LSC at \$331 million, \$13 million above the President's 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, earning 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.

Violence Against Women: Provides \$387 million for violence against women prevention and prosecution programs (down from \$389 million in the House-passed bill).

COPS Program: Provides \$478 million for the Community Oriented Policing Services (COPS) Program (down from \$567 million in the House-passed bill).

Cable TV and VCRs: Prohibits funds from being used by federal prisons to purchase cable television services or to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

Ban on Funding for the Palestinian Broadcasting Corporation: Prohibits funding from being made available from the State Department or the Broadcasting Board of Governors to the Palestinian Broadcasting Corporation.

Jerusalem: Requires that the State Department, for the purposes of registration of birth, certification of nationality, or issuance of a passport of a U.S. citizen born in the city of Jerusalem, record the place of birth as Israel, upon request of the citizen.

UN Taxes: Prohibits funds from paying any U.S. contribution to the United Nations, if the United Nations implements or imposes any taxation on any U.S. persons.

Tobacco: Prohibits funds from being used to promote the sale or export of tobacco or tobacco products or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products (except for restrictions which are not applied equally to all tobacco or tobacco products of the same type).

Religious or Moral Denigration: Prohibits DoJ funds from being used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds or of the parents or legal guardians of such students.

Torture: Prohibits funds from being used "in any way whatsoever" to support or justify the use of torture by any official or contract employee of the U.S. Government.

Conference Limitation: Prohibits funds from being used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the U.S. Government, who are stationed in the U.S., at any single international conference (as defined in the conference report) occurring outside the U.S. (unless the Secretary of State determines that such attendance is in the national interest).

New Anti-Gang Program: Creates a \$40 million grant program to implement anti-gang initiatives in judicial districts across the nation.

Harold Rogers Prescription Drug Monitoring Program: Includes \$7.5 million (down from \$10 million in the House-passed bill and \$2.5 million above the President’s 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 \$5 million (down from \$11.6 million in the House-passed bill) marijuana eradication program to be administered by the DEA.

New Capital Litigation Improvement Grant Program: Funds a new \$1 million 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.

Intellectual Property Rights: Earmarks \$9 million of DoJ funds to combat industrial espionage and other threats to the intellectual property rights of manufacturers and researchers in the United States.

Earmarks:

Between the bill text and the Joint Explanatory Statement of the Conference Committee, H.R. 2862 includes hundreds of earmarks, including the following small sample:

- \$1 million for the Bring Back Broad Street Initiative (AL)
- \$500,000 for the Mississippi Film Enterprise Zone
- \$3.5 million for the Artic Yukon-Kuskokwim Sustainable Salmon Initiative (AK)
- \$1.5 million for the Alaska SeaLife Center to restore salmon runs
- \$1 million for Downey, California “related to housing of a Space Shuttle mock-up”

Funding Summaries:

In Millions

	FY05 Enacted	FY06 Request	FY06 House	FY06 Senate*	FY06 Conf	Conf vs. FY05	Conf vs. Request	Conf vs. House
Department of Commerce	6,306	9,371	5,581	7,665	6,409	103	-2,962	828
Department of Justice	20,142	19,221	202,072	19,468	19,845	-297	624	-182,227
Department of State	8,041	9,152	8,819	#	8,901	860	-251	82
National Science Foundation	5,473	5,606	5,644	5,532	5,654	181	48	10
NASA	16,070	16,456	16,471	16,396	16,483	413	27	12
Small Business Administration	610	593	657	817	540	-70	-53	-117
Total	57,377	60,616	57,452	52,948	57,854	477	-2,762	402

*Includes \$4.305 billion in emergency spending for the Small Business Administration, Economic Development Administration, and Section 8 (HUD)

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