



Legislative Bulletin.....May 27, 2014

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H.R. 4660 - Commerce, Justice, Science, and Related Agencies Appropriations Act, 2015 (Wolf, R-VA)

Updates on amendments will be sent as they become available.

H.R. 4660 - Commerce, Justice, Science, and Related Agencies Appropriations Act, 2015 (Wolf, R-VA)

By the Numbers:

In thousands of dollars

	FY14 House Level	FY14 Enacted	FY15 President Request	FY15 House Level
Net Total Discretionary	47,396,000	51,600,000	50,174,074	51,202,000

Net Total Discretionary Budget Authority is:

- \$ 3.806 billion above the level proposed by the House Appropriations Committee for FY 2014.
- \$ 398 million below the enacted FY 2014 level.
- \$ 1.028 billion above the President’s budget request.

H.R. 4660 provides a net total of \$51.202 billion in discretionary budget authority. The bill also includes \$336 million in mandatory programs which do not count towards the discretionary caps.

The Committee Report can be found [here](#), and the text of the legislation can be found [here](#).

Order of Business: H.R. 4660 is expected to be considered beginning on May 28th, under an [open rule](#) permitting all germane amendments to be offered. The rule provides for one hour of general debate. Members who have pre-printed their amendments in the Congressional Record will be given priority in recognition. As a reminder, amendments must be offered at the appropriate time during the reading of the bill.

Bill Outline:

Title I: Department of Commerce

In thousands of dollars

FY14 House Level	FY14 Enacted	FY15 President Request	FY15 House Level	FY15 vs FY14 House	FY15 vs FY14 Enacted	FY15 vs President Request
7,543,688	8,180,617	8,746,471	8,355,716	+812,028	+175,099	-390,755

The bill provides \$8.352 billion for the Department of Commerce, a level that is \$391 million below the President’s budget request, \$175 million above the FY14 enacted level, and \$818 million above the level proposed by the House Appropriations Committee for FY14.

International Trade Administration (ITA): The ITA is appropriated \$463 million, \$34 million below the President’s request, \$2 million above the FY14 enacted level, and \$21 million above the level proposed by the House Appropriations Committee for FY14. The export promotion services that the ITA provides have not been authorized since 1996. The RSC budget would have eliminated the ITA, stating “these funds are corporate welfare... successful companies do not need Uncle Sam pitching in to do market research (funded by taxpayer dollars and debt).” Several outside groups have advocated eliminating the ITA, including [National Taxpayers Union](#), [Americans for Prosperity](#), [Heritage](#), and [Cato](#).

Economic Development Administration (EDA): The EDA is appropriated \$248 million, \$682 thousand below the President’s request, \$1 million above the FY14 enacted level, and \$27 million above the level proposed by the House Appropriations Committee for FY14. The EDA has not been authorized since 2008. The RSC budget would have eliminated this program. Many outside groups have supported eliminating the EDA, including [Heritage](#), [Citizens Against Government Waste](#), [Cato](#), [Americans for Prosperity](#), [FreedomWorks](#), and [National Taxpayers Union](#).

Census: The Bureau of the Census is appropriated \$1.107 billion, \$105 million below the President’s request, \$162 million above the FY14 enacted level, and \$262 million above the level proposed by the House Appropriations Committee for FY14. Of this amount, \$625 million is for the 2020 decennial census.

Patent and Trademark Office: The bill provides \$3.458 billion for the Patent and Trademark Office, equal to the estimated fee collections in fiscal year 2015.

National Institute of Standards and Technology (NIST): NIST is appropriated \$856 million, \$44 million below the President’s request, \$6 million above the FY14 enacted level, and \$72 million above the level proposed by the House Appropriations Committee for FY14. The Scientific and Technological Research services provided by NIST have not been authorized since 2013.

Manufacturing Extension Partnership (MEP): Within NIST, the MEP program is appropriated \$130 million, \$11 million below the President’s request, \$2 million above the FY14 enacted level, and \$10 million above the level proposed by the House Appropriations Committee for FY14. The MEP program has not been authorized since 2013 and would have been eliminated by the RSC budget. Several outside groups have also called for the elimination of the MEP, including [National Taxpayers Union](#), [Heritage](#), and [Citizens Against Government Waste](#).

Advanced Manufacturing Technology Consortia (AmTech): The bill provides no funding for AmTech. The RSC budget also targeted this program for elimination.

National Oceanic and Atmospheric Administration (NOAA): NOAA is appropriated \$5.325 billion, \$164 million below the President’s request, \$11 million above the FY14 enacted level, and \$410 million above the level proposed by the House Appropriations Committee for FY14. Several NOAA programs have been unauthorized since 1993. No funds in the bill are provided to implement the National Ocean Policy.

Title II: Department of Justice

In thousands of dollars

FY14 House Level	FY14 Enacted	FY15 President Request	FY15 House Level	FY15 vs FY14 House	FY15 vs FY14 Enacted	FY15 vs President Request
26,657,532	27,736,559	27,973,534	28,110,351	+1,452,819	+373,792	+136,817

The bill provides \$28.109 billion for the Department of Justice, a level that is \$137 million above the President’s budget request, \$374 million above the FY14 enacted level, and \$1.453 billion above the level proposed by the House Appropriations Committee for FY14.

Legal Activities: The bill provides \$3.238 billion for legal activities at the DOJ, \$29 million below the President’s request, \$57 million above the FY14 enacted level, and \$161 million above the level proposed by the House Appropriations Committee for FY14. Within this total, \$893 million is for general legal activities, \$1.97 billion if for the 93 U.S. Attorneys’ offices, and \$12 million for the Community Relations Service. Several programs within the Legal Activities account have not been authorized since 2009.

U.S. Marshals Service: The U.S. Marshals Service is appropriated \$2.804 billion, \$14 million above the President’s request, \$76 million above the FY14 enacted level, and \$119 million above the level proposed by the House Appropriations Committee for FY14. The U.S. Marshals Service has not been authorized since 2009.

Federal Bureau of Investigation (FBI): The FBI is appropriated \$8.468 billion, \$121 million above the President’s request, \$125 million above the FY14 enacted level, and \$346 million above the level proposed by the House Appropriations Committee for FY14. The FBI has not been authorized since 2009.

Drug Enforcement Administration (DEA): The DEA is appropriated \$2.053 billion, \$35 million above the President’s request, \$35 million above the FY14 enacted level, and \$84 million above the level proposed by the House Appropriations Committee for FY14. The DEA has not been authorized since 2009.

Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE): The BATFE is appropriated \$1.2 billion, \$1 million below the President’s request, \$21 million above the FY14 enacted level, and \$58 million above the level proposed by the House Appropriations Committee for FY14. The BATFE has not been authorized since 2009. The Committee Report requires the BATFE to report to Congress regarding its efforts to address the processing backlog for applications under the National Firearms Act and manufacturing licensing approvals.

Federal Prison System: The Federal Prison System is appropriated \$6.983 billion, \$86 million above the President’s request, \$121 million above the FY14 enacted level, and \$310 million above the level proposed by the House Appropriations Committee for FY14. The Federal Prison System has not been authorized since 2009.

State and Local Law Enforcement Activities: State and Local Law Enforcement grants receive \$2.192 billion, \$61 million below the President’s request, \$83 million below the FY14 enacted level, and \$306 million above the level proposed by the House Appropriations Committee for FY14. This account funds a number of different departments within the DOJ, including the Office of Violence Against Women, the Bureau of Justice Programs, and Community Oriented Policing Services. Many of the programs funded under this account are not authorized by law.

Community Oriented Policing Services (COPS) Programs: Within the State and Local Law Enforcement account, COPS programs receive \$96.5 million, \$178 million below the President’s request, \$118 million below the FY14 enacted level. In FY14, the House Appropriations Committee proposed to eliminate COPS. The COPS programs have not been authorized since 2009. Several outside groups have called for eliminating the COPS programs, including [Heritage](#), [Citizens Against Government Waste](#), and [National Taxpayers Union](#).

Title III: Science

In thousands of dollars

FY14 House Level	FY14 Enacted	FY15 President Request	FY15 House Level	FY15 vs FY14 House	FY15 vs FY14 Enacted	FY15 vs President Request
23,598,873	24,823,973	24,721,155	25,305,760	+1,706,887	+481,787	+584,605

The bill provides \$25.306 billion for science agencies, a level that is \$585 million above the President’s budget request, \$482 million above the FY14 enacted level, and \$1.707 billion above the level proposed by the House Appropriations Committee for FY14.

National Aeronautics and Space Administration (NASA): NASA is appropriated \$17.896 billion, \$435 million above the President’s request, \$250 million above the FY14 enacted level,

and \$1.298 billion above the level proposed by the House Appropriations Committee for FY14. NASA has not been authorized since 2013. A breakdown of the NASA funding can be found [here](#).

National Science Foundation (NSF): The NSF is appropriated \$7.404 billion, \$149 million above the President’s request, \$232 million above the FY14 enacted level, and \$409 million above the level proposed by the House Appropriations Committee for FY14. The NSF has not been authorized since 2013. The RSC budget called for reducing funding for the NSF, stating “Unfortunately, the NSF has a history of using taxpayer funds on wasteful projects, such as a laundry folding robot, a study of shrimp running on a treadmill, a study of Americans’ attitudes towards the U.S. Senate filibuster, and paying for participants’ expenses to attend an annual snowmobile competition in Michigan, among other examples.”

Title IV: Related Agencies

In thousands of dollars

FY14 House Level	FY14 Enacted	FY15 President Request	FY15 House Level	FY15 vs FY14 House	FY15 vs FY14 Enacted	FY15 vs President Request
800,462	881,751	956,112	869,371	+68,909	-12,380	-86,741

The bill provides \$869 million for the related agencies funded by the bill, a level that is \$87 million below the President’s budget request, \$12 million below the FY14 enacted level, and \$69 million above the level proposed by the House Appropriations Committee for FY14.

Equal Employment Opportunity Commission (EEOC): The EEOC is appropriated \$364 million, \$2 million below the President’s request, equal to the FY14 enacted level, and \$6 million above the level proposed by the House Appropriations Committee for FY14.

Legal Services Corporation (LSC): the LSC is appropriated \$350 million, \$80 million below the President’s request, \$15 million below the FY14 enacted level, and \$50 million above the level proposed by the House Appropriations Committee for FY14. The LSC has not been authorized since 1980. The RSC Budget calls for the elimination of the LSC, explaining “the LSC has evolved into an organization that also takes part in the advocacy of political causes and lobbying. Coupling the misuse of taxpayer funds with the redundancy of free legal services provided by states and other organizations eliminates the need for this federally funded entity.” Several outside groups have advocated eliminating the LSC, including [Heritage](#), [Citizens Against Government Waste](#), and [Cato](#).

Other Provisions of Note:

Second Amendment Protection: The bill includes several provisions to ensure protection of the Second Amendment, including making two long-standing provisions permanent law. The bill:

- Prohibits funds to conduct a Fast and Furious-type gunwalking operation (Sec. 215). This provision has been included since 2012.
- Permanently prohibits requiring licenses to export firearms and parts to Canada (Sec. 517). This provision has been included since 2006.
- Permanently prohibits banning licenses for importing curio or relic firearms (Sec. 518). This provision has been included since 2006.
- Prohibits banning the importation of certain shotguns (Sec. 533). This provision has been included since 2012.
- Prohibits funds to implement the U.N. Arms Trade Treaty until the Senate ratifies the Treaty (Sec. 538).
- Prohibits funding for an unauthorized reporting and registration requirement regarding the sale of multiple rifles to the same person in border states (Sec. 539).

Pro-Life Protections: The bill prohibits federal funds to pay for an abortion, except in the case of rape or to preserve the life of the mother (Sec. 202) and includes a conscience protection clause that prohibits funds to require any person to perform or facilitate in any way the performance of any abortion (Sec. 203).

Guantanamo Detainees: The legislation prohibits the transfer of Khalid Sheikh Mohammed or any other detainee in Guantanamo Bay to the U.S. (Sec. 528), as well as prohibits funds to construct, acquire, or modify a facility in the U.S. to house detainees currently held at Guantanamo Bay (Sec. 529).

Ft. Hood Terror Attack: The bill requires the DOJ’s Office of Victims of Crime to provide all possible assistance to the survivors and families of the victims of the 2009 terrorist attack at Ft. Hood, as well as report to Congress what role the classification of the attack by the DOJ as “workplace violence” rather than a terrorist attack has played in determining what assistance has been provided.

Human Trafficking: The bill places an emphasis on combating human trafficking, including directing each U.S. Attorney to lead a human trafficking task force, requiring the DOJ to report on its efforts to combat trafficking, directing the Attorney General to host a conference on sex trafficking, and requiring the FBI to produce an annual National Sex Trafficking Threat Assessment. Funding for the Human Trafficking Prosecution Unit in the DOJ’s Civil Rights Division is recommended to be “not less than the fiscal year 2014 level.” The Victims of Trafficking grants program is provided \$45 million, an increase of \$31 million over the FY14 enacted level.

CHIMPS – Some conservatives may be concerned that the bill relies on \$10.89 billion “changes in mandatory spending” (CHIMPS) to meet its 302(b) allocation level. The majority of these

“savings” come from the [Crime Victims Fund](#). This fund supports state victim compensation and assistance programs; deposits to the fund come from criminal fines and other penalties. Since 2000, Congress has capped disbursements from the fund in appropriations bills, allowing the unobligated amounts to be counted as an offset to spending year after year.

In FY15, the balance for the Crime Victims Fund is projected to be \$11.285 million. H.R. 4660 limits obligations from the Fund to \$770 million in FY15, leaving \$10.515 billion that could have otherwise been spent, that is counted as an offset for spending in the bill. The FY14 Consolidated Appropriations Act set an obligation limit for the Crime Victims Fund of \$745 million, allowing \$9.4 billion to be claimed as an offset to the funding in the Omnibus.

For more information regarding CHIMPS, see this [CRS memo](#) to Senator Coburn.

Unauthorized Appropriations: Some conservatives may be concerned that virtually the entire bill is unauthorized. The bill includes \$57.3 billion in appropriations for 141 programs whose authorizations have or will be expired. This includes \$1.086 billion in increased funding for 58 unauthorized programs that receive more than current FY14 enacted level.

Title of the Bill	Unauthorized Programs funded by the bill	Total Unauthorized Appropriations	Programs that Receive more than FY14 Enacted	Total Increases in Programs that Receive more than Enacted
Commerce	35	\$3,826,800	7	\$26,950
Justice	85	\$27,669,805	38	\$516,826
Science	15	\$25,305,205	10	\$539,887
Related Agencies	6	\$505,371	3	\$2,620
Total	141	\$57,307,181	58	\$1,086,283

Committee Action: The Appropriations Committee marked up H.R. 4660 on [May 8, 2014](#), and approved the legislation by voice vote. The Committee also held several [oversight hearings](#).

Outside Groups: The [Heritage Foundation](#) has identified \$2.6 billion in additional spending cuts that could be achieved in this bill.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:

According to the [Committee Report](#), “Neither the bill nor the report contains any Congressional earmarks, limited tax benefits, or limited tariff benefits.”

Constitutional Authority: “Congress has the power to enact this legislation pursuant to the following: The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . .” In addition, clause 1 of section 8 of article I of the Constitution (the spending power)

provides: “The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . .” Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.”

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