



## H.R. 2578—Fiscal Year 2016 Commerce, Justice, and Science Appropriations (Culberson, R-TX)

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**FLOOR SCHEDULE:** H.R. 2578 IS EXPECTED TO BE CONSIDERED ON JUNE 2, 2015, UNDER A [RULE](#) PERMITTING ALL GERMANE AMENDMENTS TO BE OFFERED. AS A REMINDER, AMENDMENTS MUST BE OFFERED AT THE APPROPRIATE TIME DURING THE READING OF THE BILL.

### TOPLINE SUMMARY

*In thousands of dollars*

	FY15 House Level	FY15 Enacted	FY16 President Request	FY16 House Level
<b>Net Total Base Discretionary</b>	51,202,000	50,103,000	52,039,000	51,378,000

The bill provides a net total of \$51.378 billion in FY 2016 base discretionary budget authority.

Net Total Discretionary Budget Authority is:

- \$661 million below the president’s budget request.
- \$1.275 billion above the enacted FY 2015 level.
- \$176 million above the level proposed by the Appropriations Committee for FY 2015.

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

**CONSERVATIVE CONCERNS:** Some conservatives may be concerned that the bill funds programs that the House-passed budget proposed to eliminate, including the Manufacturing Extension Partnership and the International Trade Administration.

Some conservatives may be concerned that the bill provides funding for certain programs that many conservatives have traditionally opposed and the RSC budget proposed to eliminate, including the Economic Development Administration and the Legal Services Corporation.

Some conservatives may be concerned that virtually the entire bill is unauthorized. However, many of the unauthorized appropriations include funding for [NASA](#), [NOAA](#), and the [NSF](#) for which the House has passed reauthorizations that have yet to receive consideration by the Senate.

- **Expand** the Size and Scope of the Federal Government?: No
- **Encroach** into State or Local Authority?: Some conservatives may believe that some programs funded in this bill would be more appropriately supported by state governments.
- **Delegate** Any Legislative Authority to the Executive Branch?: No
- **Contain** Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No, according to the committee report.

**DETAILED SUMMARY AND ANALYSIS:**

**Title I: Department of Commerce**

*Net Total Discretionary in Thousands of Dollars*

FY15 House Level	FY15 Enacted	FY16 President Request	FY16 House Level	FY16 vs 15 House	FY16 vs 15 Enacted	FY16 vs President
8,355,716	8,466,669	9,802,632	8,210,450	- 145,266	- 256,219	- 1,592,182

The bill would provide \$8.21 billion for the Department of Commerce, a level that is \$1.592 billion below the president’s budget request, \$256 million below the FY15 enacted level, and \$145 million below the level proposed by the House Appropriations Committee for FY15.

**International Trade Administration (ITA):** The ITA would be appropriated \$462 million, a level that is \$35 million below the president’s request, equal to the FY15 enacted level, and \$1 million above the level proposed by the House Appropriations Committee for FY15. The Committee Report “encourages ITA to ensure that it is providing adequate support and services for women- minority- and veteran-owned firms.” The export promotion services that the ITA provides have not been authorized since 1996. The [House Republican budget](#) called for elimination of Trade Promotion Activities at the ITA. The [RSC budget](#) would have eliminated the ITA, stating “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 would be appropriated \$250 million, \$23 million below the president’s request, equal to the FY15 enacted level, and \$2 million above the level proposed by the House Appropriations Committee for FY15. 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](#).

**Minority Business Development Agency (MBDA):** The MBDA would be appropriated \$32 million, a level that is \$2 million above the president’s request, \$2 million above the FY15 enacted level, and \$2 million above the level proposed by the House Appropriations Committee for FY15.

**Census:** The Bureau of the Census would be appropriated \$1.113 billion, \$387 million below the president’s request, \$25 million above the FY15 enacted level, and \$7 million above the level proposed by the House Appropriations Committee for FY15.

**Patent and Trademark Office:** The bill would provide \$3.272 billion for the Patent and Trademark Office, equal to the estimated fee collections in fiscal year 2016.

**National Institute of Standards and Technology (NIST):** NIST would be appropriated \$855 million, \$265 million below the president’s request, \$9 million below the FY15 enacted level, and \$1 million below the level proposed

by the House Appropriations Committee for FY15. NIST promotes measurement standards, conducts technology research, and provides manufacturing support programs.

**Manufacturing Extension Partnership (MEP):** Within NIST, the MEP program would be appropriated \$130 million, \$11 million below the president’s request, equal to the FY15 enacted level, and equal to the level proposed by the House Appropriations Committee for FY15. The MEP program provides subsidies for extension centers that provide technical, financial, and marketing services that are largely available in the private market. The [House Republican budget](#) called for elimination of this program. Several outside groups have also called for the elimination of the MEP, including [National Taxpayers Union](#), [Heritage](#), and [Citizens Against Government Waste](#).

The bill provides that NIST may use unobligated balances for the Network for Manufacturing Innovation authorized by the Revitalize American Manufacturing Act (RAMI).

**National Oceanic and Atmospheric Administration (NOAA):** NOAA would be appropriated \$5.167 billion, \$807 million below the president’s request, \$274 million below the FY15 enacted level, and \$158 million below the level proposed by the House Appropriations Committee for FY15. NOAA conducts weather and oceanic climate research as well as manages marine and coastal ecosystems. NOAA offices include the National Ocean Service, the National Marine Fisheries Service, the Office of Oceanic and Atmospheric Research, the National Weather Service, and the National Environmental Satellite, Data, and Information Service. Several NOAA programs have been unauthorized since 1993.

**Title II: Department of Justice**

*Net Total Discretionary in Thousands of Dollars*

FY15 House Level	FY15 Enacted	FY16 President Request	FY16 House Level	FY16 vs 15 House	FY16 vs 15 Enacted	FY16 vs President
28,110,351	27,030,158	29,240,480	27,888,115	-222,236	+ 857,957	-1,352,365

The bill would provide \$27.888 billion for the Department of Justice, a level that is \$1.352 billion below the president’s budget request, \$858 million above the FY15 enacted level, and \$222 million below the level proposed by the House Appropriations Committee for FY15.

**Immigration Reviews:** The bill would provide \$423 million for the Executive Office for Immigration Review (EOIR) and the Office of the Pardon Attorney, a level that is \$62 million below the president’s budget request, \$76 million above the FY15 enacted level, and \$92 million above the level proposed by the House Appropriations Committee for FY15. This increase would support 55 new immigration judge teams.

**Legal Activities:** The bill would provide \$3.275 billion for legal activities at the DOJ, \$218 million below the president’s request, \$55 million above the FY15 enacted level, and \$38 million above the level proposed by the House Appropriations Committee for FY15.

Within this total, \$885 million is for general legal activities, and \$1.995 billion if for the 94 U.S. Attorneys’ offices. Several programs within the Legal Activities account have not been authorized since 2009.

**U.S. Marshals Service:** The U.S. Marshals Service would be appropriated \$2.289 billion, \$411 million below the president’s request, \$589 million above the FY15 enacted level, and \$515 million below the level proposed by the House Appropriations Committee for FY15. The U.S. Marshals Service has not been authorized since 2009.

**Federal Bureau of Investigation (FBI):** The FBI would be appropriated \$8.548 billion, \$64 million above the president’s request, \$111 million above the FY15 enacted level, and \$80 million above the level proposed by the House Appropriations Committee for FY15. The FBI has not been authorized since 2009.

**Drug Enforcement Administration (DEA):** The DEA would be appropriated \$2.074 billion, \$18 million below the president’s request, \$41 million above the FY15 enacted level, and \$21 million above the level proposed by the House Appropriations Committee for FY15. The DEA has not been authorized since 2009.

**Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE):** The BATFE would be appropriated \$1.25 billion, \$11 million below the president’s request, \$49 million above the FY15 enacted level, and \$50 million above the level proposed by the House Appropriations Committee for FY15. The BATFE has not been authorized since 2009.

**Federal Prison System:** The Federal Prison System is appropriated \$7.184 billion, \$163 million below the president’s request, \$261 million above the FY15 enacted level, and \$202 million above the level proposed by the House Appropriations Committee for FY15. The Federal Prison System has not been authorized since 2009. The bill does not include funding for additional activities at the Thomson, Illinois facility, where the Obama administration has [considered](#) transferring Guantanamo detainees.

**State and Local law Enforcement Activities:** State and Local Law Enforcement grants would receive \$2.004 billion, \$495 million below the president’s request, \$326 million below the FY15 enacted level, and \$188 million below the level proposed by the House Appropriations Committee for FY15. This account funds a number of different departments within the DOJ, including the Office of Violence Against Women, the Office of Justice Programs, and Community Oriented Policing Services. Many of the programs funded under this account are not authorized by law.

Major programs include:

- Office of Violence Against Women: \$479 million
- Office of Justice Programs: \$1.015 billion
- Juvenile Justice Programs: \$184 million
- Community Oriented Policing Services (COPS) Programs: \$238 million

The bill would include \$52 million in funding for the Obama administration’s new [Community Trust Initiative](#) that is meant to “combat distrust and hostility between law enforcement and the communities they serve.” This would also include \$15 million for a body-worn camera partnership initiative.

**Title III: Science**

*Net Total Discretionary in Thousands of Dollars*

FY15 House Level	FY15 Enacted	FY16 President Request	FY16 House Level	FY16 vs 15 House	FY16 vs 15 Enacted	FY16 vs President
25,305,760	25,359,950	26,258,216	25,928,860	+ 623,100	+ 568,910	- 329,356

The bill would provide \$25.929 billion for science agencies, a level that is \$329 million below the president’s budget request, \$569 million above the FY15 enacted level, and \$623 million above the level proposed by the House Appropriations Committee for FY15.

**National Aeronautics and Space Administration (NASA):** NASA would be appropriated \$18.529 billion, equal to president’s request, \$519 million above the FY15 enacted level, and \$633 million above the level proposed by the House Appropriations Committee for FY15. This includes \$5.237 billion for science, \$4.759 billion for exploration, \$3.957 billion for space operations, and \$2.769 billion for safety, security, and mission services.

**National Science Foundation (NSF):** The NSF would be appropriated \$7.394 billion, \$329 million below the president’s request, \$50 million above the FY15 enacted level, and \$10 million below the level proposed by the House Appropriations Committee for FY15. This includes \$5.984 billion for research, \$200 million for major research equipment and construction, \$866 million for education and human resources, and \$325 million for agency operations.

**Title IV: Related Agencies**

*Net Total Discretionary in Thousands of Dollars*

FY15 House Level	FY15 Enacted	FY16 President Request	FY16 House Level	FY16 vs 15 House	FY16 vs 15 Enacted	FY16 vs President
869,371	895,911	1,030,845	820,911	- 48,460	- 75,000	- 209,934

The bill would provide \$821 million for related agencies, a level that is \$210 million below the president’s budget request, \$17 million below the FY15 enacted level, and \$48 million below the level proposed by the House Appropriations Committee for FY15.

**Equal Employment Opportunity Commission (EEOC):** The EEOC would be appropriated \$365 million, \$9 million below the president’s request, equal to the FY15 enacted level, and \$1 million above the level proposed by the House Appropriations Committee for FY15.

**International Trade Commission (ITC):** The ITC would be appropriated \$85 million, \$47 million below the president’s request, equal to the FY15 enacted level, and equal to the level proposed by the House Appropriations Committee for FY15.

**Legal Services Corporation (LSC):** The LSC would be appropriated \$300 million, \$152 million below the president’s request, \$75 million below the FY15 enacted level, and \$50 million below the level proposed by the House Appropriations Committee for FY15. 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 for political causes and lobbying. The LSC is marked by misuse of taxpayer money and redundancy as many of LSC’s programs are offered by the states.” Several outside groups have advocated eliminating the LSC, including [Heritage](#), [Citizens Against Government Waste](#), and [Cato](#).

**Office of the U.S. Trade Representative (USTR):** The USTR would be appropriated \$54 million, \$2 million below the president’s request, equal to the FY15 enacted level, and \$1 million above the level proposed by the House Appropriations Committee for FY15.

**Pro-Life Protections:** The bill would prohibit 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 would prohibit funds to require any person to perform or facilitate in any way the performance of any abortion (Sec. 203).

**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 would:

- Permanently prohibit funds to conduct a Fast and Furious-type gunwalking operation (Sec. 215).
- Permanently prohibit requiring licenses to export firearms and parts to Canada (Sec. 517).
- Permanently prohibit banning licenses for importing curio or relic firearms, parts, or ammunition (Sec. 518).
- Permanently prohibit banning the importation of certain shotguns (Sec. 532).
- Prohibit funds to implement the U.N. Arms Trade Treaty until the Senate ratifies the Treaty (Sec. 535).
- Prohibit funding for an unauthorized reporting and registration requirement regarding the sale of multiple rifles to the same person in border states (Sec. 537).

**Guantanamo Detainees:** The legislation would prohibit the transfer of Khalid Sheikh Mohammed or any other detainee in Guantanamo Bay to the U.S. (Sec. 527), as well as prohibit funds to construct, acquire, or modify a facility in the U.S. to house detainees held at Guantanamo Bay (Sec. 528).

**Coordination with China:** The bill would restrict coordination with China or Chinese owned companies by NASA and the Office of Science and Technology Policy (Sec. 531).

**Control of the Internet:** The bill would prohibit funds for the National Telecommunications and Information Administration to relinquish its responsibility over the Internet's domain name system functions as the Obama administration is considering (Sec. 536).

**Cuba:** The bill would prohibit funds to facilitate, permit, license, or promote exports to the Cuban military or intelligence services, any officer of the military or intelligence services, or any immediate family member of such an officer.

**CHIMPS:** The bill relies on \$10.89 billion worth of "changes in mandatory programs" (CHIMPS) to meet the 302(b) allocation level. Because of the CBO scoring conventions, an appropriations bill can offset increases in discretionary spending if it reduces mandatory spending in the first year of the budget window. These CHIMPS are often just gimmicks that shift the timing of mandatory spending or deal with funds that were not going to be spent anyway, and allow increases in discretionary spending year after year using the same "offset" over and over. The Conference Report on the FY 2016 Budget established [a point of order against](#) a bill if the total amount of CHIMPS in FY 2016 would exceed \$19.1 billion.

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 FY16, the balance for the Crime Victims Fund is projected to be \$13.4 billion. The bill limits obligations from the Fund to \$2.705 billion in FY16, leaving \$10.697 billion that is counted as an offset for spending in the bill. The Conference Report on the FY 2016 Budget established a separate [point of order against](#) a bill if the Crime Victims Fund CHIMP in FY 2016 would exceed \$10.8 billion.

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

**Unauthorized Appropriations:** The bill includes \$56.188 billion in appropriations for 133 programs whose authorizations have or will be expired. This includes \$2 billion in increased funding for 35 unauthorized programs that receive more than current FY15 enacted level.

Title of the Bill	Unauthorized Programs funded by the bill	Total Unauthorized Appropriations		Programs that Receive more than FY15 Enacted	Total Increases in Programs that Receive more than FY15 Enacted
Commerce	34	2,401,289		3	15,200
Justice	78	27,406,707		24	1,393,474
Science	15	25,923,305		8	627,830
Related Agencies	6	456,411		0	0
<b>Total</b>	133	56,187,712		35	2,036,504

**COMMITTEE ACTION:** The House Appropriations Committee marked up H.R. 2578 on [May 20, 2015](#), and approved the bill by a voice vote. The committee additionally held a number of [oversight hearings](#).

**ADMINISTRATION POSITION:** According to the [statement of administration policy](#), “if the President were presented with H.R. 2578, his senior advisors would recommend that he veto the bill”.

OMB Director Shaun Donovan [wrote to](#) Appropriations Committee Chairman Hal Rogers prior to markup of the bill expressing “serious concerns” about the bill, including with the overall spending levels included in the House budget and funding for the administrations priorities.

**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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**NOTE:** *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

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