

ISSUE BRIEF

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House Commerce, Justice, and Science (CJS) Appropriations: Congress Just Violated the Spending Caps

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The Commerce, Justice, and Science (CJS) appropriations bill will be the fourth discretionary spending bill considered in the House of Representatives this year. The CJS appropriations bill provides funding for the Departments of Commerce and Justice. It also includes funding for the National Science Foundation and the National Aeronautics and Space Administration, among other agencies.

According to the House Committee on Appropriations, the bill would provide \$51.378 billion in discretionary budget authority for fiscal year (FY) 2016. This is an increase of \$1.275 billion above current year levels, although it is \$660.7 million below the President's budget submission. The bill clearly increases spending, but the advertised funding levels conceal \$10 billion through a budget gimmick, which elevates the overall budget authority to \$62.5 billion—nearly \$11.1 billion above the 302(b) spending limits in Table 1.

Commerce, Justice, and Science Recommendations

In March, The Heritage Foundation published "The Budget Book: 106 Ways to Reduce the Size and Scope of Government."¹ It includes an analysis of the entire budget and recommendations for spending

priorities within the CJS appropriations bill. The recommendations provide suggestions for reduced spending in various CJS programs.

Recommended for elimination:

- **International Trade Administration.** The CJS bill provides \$472 million for FY 2016, the same level as current funding.
- **The Economic Development Administration.** The CJS bill provides \$250 million for FY 2016, the same level as current funding.
- **Hollings Manufacturing Extension Partnership.** The CJS bill provides \$130 million for FY 2016, the same level as current funding.
- **Advanced Manufacturing Technology Consortia.** The CJS bill provides no funding for this program.
- **Minority Business Development Agency.** The CJS bill provides \$32 million for FY 2016, \$2 million more than current funding.
- **Community Oriented Policing Services (COPS) program.** The CJS bill provides \$235 million for FY 2016, \$27 million more than current funding.
- **State and local grants within the Office of Justice programs.** The CJS bill provides \$1.015 billion for FY 2016, \$225 million less than current funding.

This paper, in its entirety, can be found at
<http://report.heritage.org/ib4413>

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TABLE 1

House Commerce, Justice, and Science Appropriations

BY FISCAL YEAR, IN MILLIONS OF DOLLARS

	FY 2015 Enacted	2016 Request	302(b) for FY 2016	FY 2016*
Discretionary Budget Authority	50,103	52,039	51,378	51,378
Including CHIMPs/Budget Gimmicks**	61,073	—	51,378	62,474

* Excludes emergency funds.

** Heritage Foundation estimates CHIMPs/budget gimmicks will be greater than \$10 billion. The official figure will be provided by the Congressional Budget Office.

Note: The congressional budget resolution passed by Congress is the mechanism for setting the overall spending caps, also known as the 302(a), as required by the Budget Control Act. The Appropriations Committee is responsible for subdividing the 302(a) allocations among the 12 appropriations subcommittees through what is known as the 302(b) suballocations. The FY 2016 302(a) spending caps, consistent with the Budget Control Act, amount to \$1.017 trillion

Source: U.S. House of Representatives, Committee on Appropriations, <http://appropriations.house.gov/> (accessed June 1, 2015).

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- **Violence Against Women Act grants.** The CJS bill provides \$474 million for FY 2016, \$44 million more than current funding.

Below are additional programs highlighted for elimination by The Heritage Foundation:²

- **The National Science Foundation’s Education and Human Resources Division.** The CJS bill provides \$866 million for FY 2016, the same level as current funding.
- **The Legal Services Corporation.** The Heritage Foundation recommends the program be devolved to local communities and the private sector. The CJS bill provides \$300 million for FY 2016, \$75 million less than current funding.

The Heritage “Budget Book” recommends funding reductions for the following programs:

- **Civil Rights Division of the Department of Justice.** The CJS bill provides \$147 million for FY 2016, \$3 million more than current year funding. Heritage recommends reducing funding levels by 20 percent.

- **Environmental & Natural Resources Division of the Department of Justice.** The CJS bill provides \$110 million for FY 2016, \$3 million more than current funding. Heritage recommends reducing funding levels by 20 percent.

- **Community Relations Services of the Department of Justice.** The CJS bill provides \$13 million for FY 2016, \$750,000 more than current funding. Heritage recommends reducing funding by 50 percent.

- **Bureau of Alcohol, Tobacco, Firearms, and Explosives.** The CJS bill provides \$1.25 billion for FY 2016, \$49 million more than current funding. Heritage recommends reducing funding by 20 percent.

The \$10 Billion Budget Gimmick

The FY 2016 CJS appropriations bill includes a frequently used—and infamous—budget gimmick, which manipulates a federal fund known as the Crime Victims Fund (CVF) in a manner referred to as CHIMP (Changes in Mandatory Program). Congress uses the CVF to manipulate spending levels.

1. The Heritage Foundation, “The Budget Book: 106 Ways to Reduce the Size and Scope of Government,” March 2015, <http://budgetbook.heritage.org/>.

2. Michael Sargent and Heritage Experts, “Cutting the Commerce, Justice, and Science Spending Bill by \$2.6 Billion: A Starting Point,” Heritage Foundation *Issue Brief* No. 4220, May 12, 2014, <http://www.heritage.org/research/reports/2014/05/cutting-the-commerce-justice-and-science-spending-bill-by-26-billion-a-starting-point?ac=1>.

TABLE 2

House Commerce, Justice, and Science Appropriations

	FY 2015 Enacted	FY 2016	Change in Dollars*	Percentage Change
Title I, Department of Commerce	8,467	8,215	-252	-3.0%
International Trade Administration	462	462	0	0.0%
Economic Development Administration	250	250	0	0.0%
Minority Business Development Agency	30	32	2	6.7%
U.S. Census Bureau	1,088	1,113	25	2.3%
U.S. Patent and Trademark Office**	0	0	0	0.0%
National Institute of Standards and Technology	864	855	-9	-1.0%
National Oceanic and Atmospheric Administration	5,441	5,167	-274	-5.0%
Title II, Department of Justice	27,030	27,883	853	3.2%
U.S. Marshals Service	1,700	2,289	589	34.6%
Federal Bureau of Investigation	8,437	8,548	111	1.3%
Drug Enforcement Administration	2,033	2,073	40	2.0%
Bureau of Alcohol, Tobacco, Firearms, and Explosives	1,201	1,250	49	4.1%
Federal Prison System	6,924	7,188	264	3.8%
Office of Violence Against Women	430	474	44	10.2%
Office of Justice programs	1,690	1,287	-403	-23.8%
Community Oriented Policing	208	235	27	13.0%
Title III, Science	25,360	25,929	569	2.2%
National Aeronautic and Space Administration	18,010	18,529	519	2.9%
National Science Foundation	7,344	7,394	50	0.7%
Title IV, Related Agencies	896	821	-75	-8.4%
Legal Services Corporation	375	300	-75	-20.0%
U.S. Trade Representative	54	54	0	0.0%
Title V, General Provisions	-680	-374	306	-0.45
Total	61,073	62,474	1,401	2.3%

* The total increase of \$1.4 billion is greater than the \$1.275 billion increase assumed by the House Appropriations committees due to unrecognized accounting gimmicks.

** U.S. Patent and Trademark Office includes a funding level of \$3.272 billion, fully paid for by offsetting fee collections.

Source: U.S. House of Representatives, Committee on Appropriations, <http://appropriations.house.gov/> (accessed June 1, 2015).

TABLE 3

Unauthorized Appropriations: House Commerce, Science, and Justice

A total of 91 programs or accounts were unauthorized.

Including, but not limited to:	Year last authorized
International Trade Administration	1996
Economic Development Administration	2008
U.S. Marshals Office	2009
Federal Bureau of Investigation	2009
Office of Justice programs*	2012
National Aeronautic and Space Administration	2013
National Science Foundation	2013
Legal Services Corporation	1980

* State and local grants.

Source: U.S. House of Representatives, Committee on Appropriations, <http://appropriations.house.gov/> (accessed June 1, 2015).

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The CVF accounting gimmick places a cap (obligation limitation) on spending on a pool of money designated for the beneficiaries of the fund. By limiting the money that may be spent from that fund, Congress scores the remaining unspent funds as a “savings.” In reality, it is unlikely that spending from the CVF would ever exceed the capped levels. However, the presence of a cap allows for any money in the CVF that exceeds that arbitrary cap to be deemed as “savings,” which Congress uses to offset higher levels of new spending.³

The CJS bill maximizes the use of this gimmick. The bill includes a one-year cap on the CVF, set at \$2.7 billion for FY 2016. By setting this cap, or CHIMP, the bill produces an entirely phony net savings of approximately \$10.8 billion.

Funding Expired Government Programs

When appropriation bills provide new budget authority for programs whose statutory authorization (the legal authority for the program to continue) has expired, that is known as an unauthorized appropriation. Long-standing rules of the House and Senate prohibit the funding of unauthorized appropriations. This was intended to place the jurisdiction of a program’s policy objective with the authorizing committees—not the appropriators. However, Congress has made a practice of ignoring this rule, and continually authorizes funding for programs whose authorizations have long since expired—a technical violation of law, and a wasted opportunity to review these programs for reform or elimination.

Conclusion

The House Commerce, Justice, and Science appropriations bill is a budget boondoggle. As in previous years, the FY 2016 CJS bill funds wasteful, duplicative, and unauthorized programs, such as the International Trade Administration and the Economic Development Administration. More important, the budget gimmicks allow Congress to thwart budget caps by more than \$10 billion annually—more than \$90 billion over 10 years. As stewards of the taxpayer, it is time that Congress adopted honesty and integrity in the federal budget. The CJS appropriations bill—and all appropriations bills considered by Congress—should end wasteful programs and be free of accounting gimmicks.

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3. John Gray, “Budget Conference: A Chance for Congress to Stop Monkeying Around with Spending Gimmicks,” *The Daily Signal*, April 8, 2015, <http://dailysignal.com/2015/04/08/budget-conference-a-chance-for-congress-to-stop-monkeying-around-with-spending-gimmicks/>.