

Commerce, Justice, Science, and Related Agencies

Eliminate the Office of Community Oriented Policing Services

RECOMMENDATION

Eliminate the Office of Community Oriented Policing Services (COPS). This proposal saves \$158 million in FY 2018.

RATIONALE

Created in 1994, COPS promised to add 100,000 new state and local law enforcement officers to America's streets by 2000. COPS failed to add 100,000 additional officers, and failed at reducing crime.

State and local officials, not the federal government, are responsible for funding the staffing levels of police departments. By paying for the salaries of police officers, COPS funds the routine, day-to-day functions of police and fire departments. In *Federalist* No. 45, James Madison wrote:

The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the

most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.

When Congress subsidizes local police departments in this manner, it effectively reassigns to the federal government the powers and responsibilities that fall squarely within the expertise, historical control, and constitutional authority of state and local governments. The responsibility to combat ordinary crime at the local level belongs almost wholly, if not exclusively, to state and local governments.

The COPS program has an extensive track record of poor performance and should be eliminated. COPS grants also unnecessarily fund functions that are the responsibility of state and local governments.

ADDITIONAL READING

- David B. Muhlhausen, "Byrne JAG and COPS Grant Funding Will Not Stimulate the Economy," Heritage Foundation *Testimony on Economy* before the Judiciary Committee, U.S. Senate, May 12, 2009.
- David B. Muhlhausen, "Impact Evaluation of COPS Grants in Large Cities," Heritage Foundation *Center for Data Analysis Report* No. 06-03, May 26, 2006.

CALCULATIONS

Savings are expressed as budget authority as projected for FY 2018 in the CBO's August 2016 baseline spending projections.

Eliminate Grants within the Office of Justice Programs

RECOMMENDATION

Eliminate state and local grants administered by the Office of Justice Programs (OJP). This proposal saves \$2.119 billion in FY 2018.

RATIONALE

The majority of the programs under the OJP umbrella deal with problems or functions that lie within the jurisdiction of state and local governments, and should therefore be handled by state and local officials. Grants from the OJP are given to state and local governments for many criminal justice purposes, including local police officer salaries, state corrections, court programs, and juvenile justice programs.

In order to address criminal activity appropriately, the federal government should limit itself to handling tasks that state and local governments cannot perform by themselves and that the Constitution commits to the federal government. The tendency to search for a solution at the national level is misguided and problematic. For example, juvenile delinquents and criminal gangs are a problem common to all states, but the crimes that they commit are almost entirely and inherently local in nature,

and are therefore regulated by state criminal law, state law enforcement, and state courts. The fact that thefts by juveniles occur in all states does not mean that these thefts are a problem requiring action by the federal government.

State and local officials, not the federal government, are responsible for funding the state and local criminal justice programs. The OJP subsidizes the routine, day-to-day functions of state and local criminal justice programs. When Congress subsidizes routine state and local criminal justice programs in this manner, it effectively reassigns to the federal government the powers and responsibilities that fall squarely within the expertise, historical control, and constitutional authority of state and local governments. The responsibility to combat ordinary crime at the local level belongs almost wholly, if not exclusively, to state and local governments.

ADDITIONAL READING

- David B. Muhlhausen, “Byrne JAG and COPS Grant Funding Will Not Stimulate the Economy,” statement before the Judiciary Committee, U.S. Senate, May 12, 2009.
- David B. Muhlhausen, “Drug and Veterans Treatment Courts: Budget Restraint and More Evaluations of Effectiveness Needed,” testimony before the Subcommittee on Crime and Terrorism, Committee on the Judiciary, U.S. Senate, July 19, 2011.
- David B. Muhlhausen, “Get Out of Jail Free: Taxpayer-Funded Grants Place Criminals on the Street Without Posting Bail,” Heritage Foundation *WebMemo* No. 3361, September 12, 2011.
- David B. Muhlhausen, “The Second Chance Act: Budget Restraint and More Evaluations of Effectiveness Needed,” testimony before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, U.S. House of Representatives, September 29, 2010.
- David B. Muhlhausen, “Where the Justice Department Can Find \$2.6 Billion for its Anti-Terrorism Efforts,” Heritage Foundation *Background* No. 1486, October 5, 2001.
- David B. Muhlhausen, “The Youth PROMISE Act: Outside the Scope and Expertise of the Federal Government,” testimony before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, U.S. House of Representatives, July 15, 2009.

CALCULATIONS

Savings are expressed as budget authority as projected for FY 2018 in the CBO’s August 2016 baseline spending projections.

Eliminate Violence Against Women Act Grants

RECOMMENDATION

Eliminate Violence Against Women Act (VAWA) grants. This proposal saves \$83 million in FY 2018.

RATIONALE

VAWA grants should be terminated because these services should be funded and implemented locally. Using federal agencies to fund the routine operations of domestic violence programs that state and local governments could provide is a misuse of federal resources and a distraction from concerns that *are* the province of the federal government. Moreover, funneling state resources back to the states through the federal government reduces the overall resources as some funds go toward unnecessary federal administration.

The principal reasons for the existence of the VAWA programs are to mitigate, reduce, or prevent

the effects and occurrence of domestic violence. Despite being created in 1994, grant programs under the VAWA have not undergone nationally representative, scientifically rigorous experimental evaluations of effectiveness.

The Government Accountability Office concluded that previous evaluations of the VAWA programs “demonstrated a variety of methodological limitations, raising concerns as to whether the evaluations will produce definitive results.” Further, the evaluations were not representative of the types of programs funded nationally by the VAWA.

ADDITIONAL READING

- Paul J. Larkin Jr., “Send in the Lawyers: The House Passes the Senate’s Violence Against Women Act,” *The Daily Signal*, March 1, 2013.
- David B. Muhlhausen, “Violence Against Women Act Gives Grant Money to Misleading Organizations,” *The Daily Signal*, February 13, 2013.
- David B. Muhlhausen and Christina Villegas, “Violence Against Women Act: Reauthorization Fundamentally Flawed,” *Heritage Foundation Backgrounder* No. 2673, March 29, 2012.
- U.S. Government Accountability Office, “Justice Impact Evaluations: One Byrne Evaluation was Rigorous; All Reviewed Violence Against Women Office Evaluations Were Problematic,” March 2002.

CALCULATIONS

Savings are expressed as budget authority as projected for FY 2018 in the CBO’s August 2016 baseline spending projections.

Eliminate the Legal Services Corporation

RECOMMENDATION

Eliminate the Legal Services Corporation (LSC). This proposal saves \$484 million in FY 2018.

RATIONALE

The LSC was created by the Legal Services Act of 1974 as a means to provide civil legal assistance to indigent clients. It does so by distributing federal grant funds in one-year to three-year award increments to service areas throughout the United States and its territories. The annual appropriations legislation specifies the types of activities for which the funds may be used, and also restricts certain uses, such as for political activities, advocacy, demonstrations, strikes, class-action lawsuits, and cases involving abortion, partisan redistricting, and welfare reform.

LSC grants do help provide high-quality civil legal assistance to some low-income Americans. Nevertheless, the Congressional Budget Office has

repeatedly recommended that the LSC be defunded as a means of decreasing the deficit, citing that many programs receiving LSC grants already receive resources from state and local governments and private entities.

LSC also should be abolished because state and local governments, supplemented by donations from other outside sources, already provide funding for indigent legal defense and are better equipped to address the needs of those in their communities who rely on these free services. By giving local entities sole responsibility for these activities, funds can be targeted in the most efficient manner, and the burden can be removed from the federal deficit.

ADDITIONAL READING

- Kenneth F. Boehm and Peter T. Flaherty, “Why the Legal Services Corporation Must Be Abolished,” Heritage Foundation *Backgrounder* No. 1057, October 19, 1995.
- Congressional Budget Office, “Budget Options Volume 2,” August 6, 2009.
- National Legal and Policy Center Staff, “What the Legal Services Corporation Doesn’t Want Congress to Know,” National Legal and Policy Center, March 22, 2012.

CALCULATIONS

Savings are expressed as budget authority as projected for FY 2018 in the CBO’s August 2016 baseline spending projections.

Reduce Funding for the Department of Justice's Civil Rights Division

RECOMMENDATION

Reduce funding for the Department of Justice's Civil Rights Division by 33 percent. This saves \$49 million in FY 2018.

RATIONALE

A recent report by the Justice Department Inspector General described the Civil Rights Division as a dysfunctional division torn by “polarization and mistrust.”¹ It is a division that has fought election integrity and filed abusive lawsuits intended to enforce progressive social ideology in areas ranging from public hiring to public education.² At a time when there is less discrimination than we

have ever had in our society, the division is at its largest, far larger than it was in the 1960s when it was fighting crucial civil rights battles. It has far more employees than are needed to vigorously enforce civil rights and voting rights laws and its budget can be significantly cut while maintaining its efficiency and ability to protect the public from discrimination.

ADDITIONAL READING

- J. Christian Adams, *Injustice: Exposing the Racial Agenda of the Obama Justice Department* (Washington, DC: Regnery Publishing, 2011).
- U.S. Department of Justice Office of the Inspector General, “Review of the Operations of the Voting Section of the Civil Rights Division,” March 2013.
- John Fund and Hans von Spakovsky, *Obama's Enforcer: Eric Holder's Justice Department* (New York: HarperCollins/Broadside, 2014).

CALCULATIONS

Savings are expressed as budget authority based on the FY 2016 enacted spending level of \$148.2 million as found in the Department of Justice's FY 2017 Congressional Budget Submission, “General Legal Activities: Civil Rights Division,” <https://www.justice.gov/jmd/file/822036/download> (accessed February 3, 2017). This estimate assumes that the FY 2016 enacted spending level holds constant in FY 2017 and decreases at the same rate as discretionary spending (-0.32 percent) in FY 2018 as projected in the CBO's most recent August 2016 baseline spending projections. Savings equal 33 percent of the estimated FY 2018 spending level.

Reduce Funding for the Department of Justice’s Environmental and Natural Resources Division

RECOMMENDATION

Reduce funding for the Department of Justice’s Environmental & Natural Resources (ENR) Division by 33 percent. This saves \$36 million in FY 2018.

RATIONALE

The ENR Division of the Justice Department has suffered an embarrassing string of defeats in the courts because it has taken radical positions on environmental issues far outside the legal mainstream.³ One federal court of appeals accused ENR Division lawyers of making legal arguments in court that were “so thin as to border on the frivolous.”⁴ It has also colluded in “sue and settle”

lawsuits with extremist environmental groups that take environmental lawmaking out of the hands of Congress and put it in the hands of agencies, private interests, and federal judges.⁵ The division’s budget should be significantly reduced so that it will concentrate on its core functions of defending the environmental laws of the United States in a reasonable and commonsense manner.

ADDITIONAL READING

- J. Christian Adams, *Injustice: Exposing the Racial Agenda of the Obama Justice Department* (Washington, DC: Regnery Publishing, 2011).
- U.S. Department of Justice Office of the Inspector General, “Review of the Operations of the Voting Section of the Civil Rights Division,” March 2013.
- John Fund and Hans von Spakovsky, *Obama’s Enforcer: Eric Holder’s Justice Department* (New York: HarperCollins/Broadside, 2014).

CALCULATIONS

Savings are expressed as budget authority based on the FY 2016 enacted spending level of \$110.5 million as found in the Department of Justice’s FY 2017 Congressional Budget Submission, “General Legal Activities: Environmental and Natural Resources Division,” <https://www.justice.gov/jmd/file/822016/download> (accessed February 3, 2017). This estimate assumes that the FY 2016 enacted spending level holds constant in FY 2017 and decreases at the same rate as discretionary spending (–0.32 percent) in FY 2018 as projected in the CBO’s most recent August 2016 baseline spending projections. Savings equal 33 percent of the estimated FY 2018 spending level.

Eliminate the Department of Justice's Community Relations Services

RECOMMENDATION

Eliminate the Department of Justice's Community Relations Service (CRS). This saves \$14 million in FY 2018.

RATIONALE

The CRS budget should be entirely eliminated. Rather than fulfilling its mandate of trying to be the peacemaker in community conflicts, the CRS has raised tensions in local communities in recent incidents. In the Zimmerman case in Florida, the CRS helped organize and manage rallies and protests

against George Zimmerman.⁶ Other employees inside the CRS have cited a culture of incompetence, political decision making, and gross mismanagement, leading the employees to send a complaint letter to the Attorney General.⁷

ADDITIONAL READING

- J. Christian Adams, *Injustice: Exposing the Racial Agenda of the Obama Justice Department* (Washington, DC: Regnery Publishing, 2011).
- U.S. Department of Justice Office of the Inspector General, "Review of the Operations of the Voting Section of the Civil Rights Division," March 2013.
- John Fund and Hans von Spakovsky, *Obama's Enforcer: Eric Holder's Justice Department* (New York: HarperCollins/Broadside, 2014).

CALCULATIONS

Savings are expressed as budget authority as enacted for FY 2016 on p. 58 of the "Consolidated Appropriations Act, 2016 (H.R. 2029). This estimate assumes that FY 2016 appropriations hold steady in FY 2017 and decrease at the same rate as discretionary spending growth (-0.32 percent) in FY 2018 according to the CBO's most recent August 2016 baseline spending projections. Savings equal the estimated \$14 million FY 2018 spending level.

Reduce Funding for the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives

RECOMMENDATION

Reduce funding for the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) by 20 percent. This saves \$263 million in FY 2018.

RATIONALE

The ATF's budget should be reduced to eliminate resources that could be used for reckless operations similar to Operation Fast & Furious. The ATF may be the most scandal-ridden agency in the federal government. The agency has, according to Representative James Sensenbrenner (R-WI), been "branded" with decades of "high profile failures."⁸

Representative Sensenbrenner even introduced a bill to eliminate the ATF because it is a "largely duplicative" agency that "lacks a clear mission."⁹ Sensenbrenner believes that enforcement work should be transferred to the FBI and the Drug Enforcement Agency.

ADDITIONAL READING

- J. Christian Adams, *Injustice: Exposing the Racial Agenda of the Obama Justice Department* (Washington, DC: Regnery Publishing, 2011).
- U.S. Department of Justice Office of the Inspector General, "Review of the Operations of the Voting Section of the Civil Rights Division," March 2013.
- John Fund and Hans von Spakovsky, *Obama's Enforcer: Eric Holder's Justice Department* (New York: HarperCollins/Broadside, 2014).

CALCULATIONS

Savings are expressed as budget authority as projected for FY 2018 in the CBO's most recent August 2016 baseline spending projections. Savings of \$263 million equal 20 percent of the projected \$1.316 billion in ATF spending for FY 2018.

Eliminate the Hollings Manufacturing Extension Partnership

RECOMMENDATION

Eliminate the Hollings Manufacturing Extension Partnership. This proposal saves \$130 million in FY 2018.

RATIONALE

The Hollings Manufacturing Extension Partnership is a federally funded management consulting operation directed at manufacturers. It is managed by the National Institute of Standards and Technology (NIST). The Hollings Manufacturing Extension Partnership provides subsidies to consultants, manufacturers, and business advisers with the goal

of bettering the business practices of small and medium-size businesses. The government should not be playing a role in the development of business. Federal involvement distorts market outcomes and picks winners and losers among businesses—which is corporate welfare, pure and simple, and should end.

CALCULATIONS

Savings are expressed as budget authority as enacted for FY 2016 on p. 50 of the 'Consolidated Appropriations Act, 2016 (H.R. 2029). This estimate assumes that FY 2016 appropriations of \$130 million hold steady in FY 2017 and decrease at the same rate as discretionary spending growth (-0.32 percent) in FY 2018 according to the CBO's most recent August 2016 baseline spending projections.

Eliminate the International Trade Administration

RECOMMENDATION

Eliminating the International Trade Administration (ITA) saves \$512 million in FY 2018.

RATIONALE

The ITA serves as a sales department for certain businesses, and promotes investment in the U.S., offering taxpayer-funded subsidies for businesses that promote their products overseas. Promoting U.S. exports is also a task carried out by the Department of Agriculture and the State Department, causing large areas of government overlap. The ITA's protectionist policies, including antidumping and countervailing duty laws, interfere with free

trade and drive up costs for both consumers and businesses. One ITA program is the International Buyer Program (IBP) through which the ITA sets up a space "where foreign buyers can obtain assistance in identifying potential business partners, and meet with U.S. companies to negotiate and close deals." Private companies should facilitate their own business meetings or do so through voluntary trade associations—not on the taxpayers' dime.

ADDITIONAL READING

- Michael Sargent, Romina Boccia, Emily J. Goff, David B. Muhlhausen, and Hans A. von Spakovsky, "Cutting the Commerce, Justice, and Science Spending Bill by \$2.6 Billion: A Starting Point," Heritage Foundation *Issue Brief* No. 4220, May 12, 2014.

CALCULATIONS

Savings are expressed as budget authority for FY 2018 as projected in the CBO's most recent August 2016 baseline spending projections.

Eliminate the Economic Development Administration

RECOMMENDATION

Eliminate the Economic Development Administration (EDA). This proposal saves \$262 million in FY 2018.

RATIONALE

The EDA provides taxpayer money and technical assistance to economically distressed areas in the form of “grants” and “investments” for local projects, including the private sector. The EDA uses taxpayer dollars to target local political pet projects with a very narrow benefit—in many cases just one particular company or small segment of the

population. The EDA is just one of about 180 federal economic development programs, including the Small Business Administration’s disaster assistance loans, the Agriculture Department’s rural development programs, and others that Congress should eliminate.

ADDITIONAL READING

- U.S. Government Accountability Office, “Economic Development Administration: Documentation of Award Selection Decisions Could Be Improved,” GAO-14-131, February 6, 2014.

CALCULATIONS

Savings are expressed as budget authority for FY 2018 as projected in the CBO’s most recent August 2016 baseline spending projections.

Eliminate the Minority Business Development Agency

RECOMMENDATION

Eliminate the Minority Business Development Agency. This proposal saves \$33 million in FY 2018.

RATIONALE

The Minority Business Development Agency hands out grants and runs federally funded management consulting operations, called business centers, in over 40 locations. Part of the Department of Commerce, the Minority Business Development Agency reported that its business centers assisted eligible businesses with 1,108 financings and contracts worth over \$3.9 billion in FY 2011.¹⁰ The agency helps businesses identify and respond to federal

procurement opportunities. By targeting certain racial and ethnic groups for special government assistance, the agency is one key component of the federal government's affirmative action approach. The federal government should not provide special assistance to businesses to procure federal contracts; neither should the federal government target such assistance based on racial or ethnic considerations.

CALCULATIONS

Savings are expressed as budget authority for FY 2018 as projected in the CBO's most recent August 2016 baseline spending projections.

Eliminate Census Bureau Funding for the Annual Supplemental Poverty Measure Report

RECOMMENDATION

Eliminate U.S. Census Bureau funding for the annual supplemental poverty measure (SPM) report. This proposal saves an unknown amount in FY 2018.¹¹

RATIONALE

The SPM is a relative poverty measure; rather than determining whether a household is poor based on its income, as the official U.S. poverty measure does, the SPM determines a household's poverty status by

comparing its income to the income of other households. The SPM undergirds a "spread-the-wealth" agenda, and it should be eliminated.¹²

ADDITIONAL READING

- Robert Rector and Rachel Sheffield, "Obama's New Poverty Measure 'Spreads the Wealth,'" *Heritage Foundation Commentary*, November 9, 2011.

ENDNOTES

1. U.S. Department of Justice Office of the Inspector General, "A Review of the Operations of the Voting Section of the Civil Rights Division," March 2013, <https://oig.justice.gov/reports/2013/s1303.pdf> (accessed January 13, 2016).
2. John Fund and Hans von Spakovsky, *Obama's Enforcer: Eric Holder's Justice Department* (New York: HarperCollins/Broadside, 2014).
3. Kimberly A. Strassel, "Greens Gone Wild," *The Wall Street Journal*, April 9, 2013.
4. *Evans v. U.S.*, 694 F.3d 1377, 1381 (Fed. Cir. 2012).
5. Andrew M. Grossman, "Regulation Through Sham Litigation: The Sue and Settle Phenomenon," Heritage Foundation *Legal Memorandum* No. 110, February 25, 2014, <http://www.heritage.org/research/reports/2014/02/regulation-through-sham-litigation-the-sue-and-settle-phenomenon>.
6. Hans von Spakovsky, "Zimmerman Trial: The Holder Justice Department's Latest Abuse of Power," *The Daily Signal*, July 10, 2013, <http://dailysignal.com/2013/07/10/zimmerman-trial-the-holder-justice-departments-latest-abuse-of-power/>.
7. Hans von Spakovsky, "Corruption, Incompetence Scandal at DOJ's Ferguson Unit Widens," *PJ Media*, April 18, 2016.
8. News release, "Sensenbrenner Introduces the ATF Elimination Act," Congressman Jim Sensenbrenner, January 12, 2017, <http://sensenbrenner.house.gov/news/documentsingle.aspx?DocumentID=398088> (accessed February 2, 2017).
9. AWR Hawkins, "Lawmaker Proposes 'ATF Elimination Act,'" *Breitbart.com*, March 6, 2015. The bill is H.R. 1329, 114th Congress.
10. Government Accountability Office, "Federal Efforts to Assist Small Minority-Owned Businesses," GAO 12-873, September 2012, <http://www.gao.gov/assets/650/648985.pdf> (accessed January 18, 2017).
11. In FY 2016, the Census Bureau requested a total of \$66.2 million for the Current Population Survey, under which the SPM operates. See Jennifer D. Williams, "FY 2016 Appropriations for the Census Bureau and Bureau of Economic Analysis," Congressional Research Service, October 21, 2015, <https://www.fas.org/sgp/crs/misc/R44141.pdf> (accessed January 19, 2016).
12. Robert Rector and Rachel Sheffield, "Obama's New Poverty Measure 'Spreads the Wealth,'" Heritage Foundation *Commentary*, November 9, 2011, <http://www.heritage.org/research/commentary/2011/11/obamas-new-poverty-measure-spreads-the-wealth>.