



**Legislative Bulletin.....June 14, 2005**

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**H.R.— Amendments to the Science, State, Justice, and Commerce  
Appropriations Act for FY 2006**

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H.R. 2862, the Science, State, Justice, and Commerce Appropriations Act for FY 2006, is scheduled to be considered on the House floor on June 14<sup>th</sup>, subject to an open rule (H.Res. 314). Below are the summaries of possible amendments to be offered. Note: Summaries are based on RSC staff's review of actual amendment text. For a summary of the underlying bill, see a separate RSC document released earlier in the day.

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**Cleaver (D-MO) #2**: Limits funds in the bill from being used “to process or approve a competition under Office of Management and Budget Circular A-76 for services provided by the National Logistics Support Center of National Oceanic Atmospheric Administration in Kansas City, Missouri.”

According to the sponsor, the amendment would “stop an A-76 privatization review of 25 employees at the National Oceanic and Atmospheric Administration’s National Logistics Supply Center, in Kansas City, MO.” The sponsor also states, “We believe that agencies should be able to use a fair and balanced competitive sourcing process as part of an overall strategy to generate efficiencies in commercial functions. However, a review of the facts in this case demonstrates why this particular A-76 review should be stopped.”

**Hefley (R-CO) #4**: Reduces the appropriated funds in the bill by \$570,000,000. This would result in an across-the-board cut of 1 percent.

**Maloney (D-NY) #6**: Limits funds in the bill from being used to “enforce any provision of law that prohibits or restricts funding for the United Nations Population Fund (UNFPA).”

Under current law, no federal funds “may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization” (emphasis added). The Bush Administration determined that UNFPA was working with the communist Chinese government in its implementation of the brutal and coercive one-child policy, and thus the entity has been ineligible for U.S. funds for the last several years. UNFPA, which continues to have contraception programs in China, has denied that it supports the coercive one-child policy. Yet according to Secretary Colin Powell’s 2002 determination:

“Regrettably, the PRC [Chinese Government] has in place a regime of severe penalties on women who have unapproved births. This regime plainly operates to coerce pregnant women

to have abortions in order to avoid the penalties and therefore amounts to a ‘program of coercive abortion.’ Regardless of the modest size of UNFPA’s budget in China or any benefits its programs provide, **UNFPA’s support of, and involvement in, China’s population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion”** (emphasis added).

The amendment would overrule the determination that UNFPA is ineligible for US funds due to its working with a coercive population program. **National Right to Life Committee and Family Research Council, among other organizations, have indicated they oppose and will score the vote on this amendment.**

UNFPA claims that it only works in regions where the Chinese govt. has suspended the one-child policy and abandoned all coercive practices. Yet in testimony before the House International Relations Committee, a group presented a photo showing that the **UNFPA office in one county was located *within* the Chinese Office of Family Planning**—the very agency carrying out the coercive practices—and the UNFPA office desk actually faces a desk of the Chinese Office of Family Planning.

Josephine Guy, who went into China in September with a hidden camera testified, “On the first day of our investigation, we interviewed women in a family planning clinic **about a mile from the county office of the UNFPA.** We interviewed a 19-year-old there who told us she was too young to be pregnant according to the unbending family planning policy. While she was receiving a **non-voluntary abortion** in an adjacent room, her friends told us that she indeed desired to keep her baby, but she had no choice, since the law forbids.” Source: House IR Committee Hearing on Coercive Abortion in China, 10/17/01, 2172 Rayburn

**McCarthy (D-NY) #7:** In section 614 (relating to the national instant criminal background check system for persons purchasing a firearm), strike “24 hours” and insert “72 hours.” According to Rep. McCarthy’s office, the Congresswoman no longer plans to offer the amendment.

**Moran (D-VA) #8:** Limits funds in the bill from being used “to pay administrative expenses or compensate an officer or employee of the United States in connection with licensing the export of a non-automatic or semiautomatic rifle capable of firing a center-fire cartridge in 50 caliber, .50 BMG caliber, any other variant of 50 caliber, or any metric equivalent of such calibers.”

According to the sponsor, “The 50 Caliber is a favorite weapon of war lords, drug cartels and terrorists due to its unparalleled potential for damage. It has even been reported that al Qaeda, the Irish Republican Army and the Kosovo Liberation Army have purchased a number of these guns in the U.S. in recent years and shipped them overseas.” The sponsor also states, “the amendment would prohibit the export of 50 caliber sniper rifles.”

**Nadler (D-NY) #9:** Limits funds in the bill from being used “to issue a national security letter, for health insurance records, under any of the provisions of law amended by section 505 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001.”

According to the sponsor, “under Section 505 of the PATRIOT Act, the FBI can demand private information about any American simply by issuing a letter signed by a field agent in charge of a local FBI office. The FBI can issue one of these “National Security Letters”

(NSLs) without the target being suspected of a crime, and without court review or approval. The FBI issues NSLs to businesses that hold personal records, and the businesses are barred from ever telling the target.”

**L. Sanchez (D-CA) #13:** Reduces by \$4.455 million, funds available under the title, “National Oceanic and Atmospheric Administration-Operations, Research, and Facilities.” Increases by \$4 million, funds available under the title, “Small Business Administration-Salaries and Expenses,” and increase by \$455,000, funds available under the title, “Small Business Administration-Business Loans Program Account.”

According to the sponsor, the amendment “would bring Microloan funding up to the levels Congress appropriated last year - \$15 million in lending capital (with a \$1.45 million appropriation) and \$14 million in technical assistance.” The Administration proposed to terminate the SBA Microloan program.

According to the Congresswoman Sanchez’s office, the Representative will not be offering the amendment.

**Stearns (R-FL) #16:** Increases by \$10 million the funds made available for Office of Justice Programs (Crime Control, Missing Children’s Assistance, Victims of Crime Act, etc.); and reduces by \$10 million the funds made available for Legal Services Corporation (LSC).

In the underlying bill, the LSC is funded at \$331 million, \$13 million above the President’s request. This \$10 million reduction in LSC funding would bring it more in line with the President’s request.

**Stearns (R-FL) #17:** Prohibits funds from being used “for the design, construction, or rental of any new headquarters for the United Nations in New York City or any other location in the United States.”

According to the amendment’s sponsor, “the UN is renovating its NYC headquarters at a cost of \$1.2 billion, and it also will need to rent temporary office space which will likely cost \$500-\$750 million. U.S. [t]axpayers will end up footing about 25% of the cost.”

**Tancredo (R-CO) #18:** Prohibits funds from being used “to include in any bilateral or multilateral trade agreement any provision that would – (1) increase any limitation on the number of aliens authorized to enter the United States as a nonimmigrant, or to adjust to such status; or (2) increase any limitation on the number of aliens authorized to enter the United States as an alien lawfully admitted for permanent residence, or to adjust to such status.”

**Tancredo (R-CO) #19:** Prohibits funds from being used for the Justice Department’s Assistance Program in violation of “section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).”

SEC. 642. <<NOTE: 8 USC 1373.>> COMMUNICATION BETWEEN GOVERNMENT AGENCIES AND THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) In General.--Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and

Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

The SCAAP program provides federal reimbursement payments to states and local governments for certain costs they incur incarcerating illegal aliens. According to the sponsor, the amendment would prevent state and local governments who refuse to comply with 8 U.S.C. 1373, from receiving those payments.

**Hostettler (R-IN) #21:** Prohibits funds from being used “to enforce the judgment of the United States District Court for the southern District of Indiana in the case of *Russelburg v. Gibson County*, decided January 31, 2005.”

The court case cited in the amendment ruled that the existence of a Ten Commandments monument on public land is an “establishment of religion,” and therefore in violation of the First Amendment. According to the sponsor, the local Fraternal Order of Eagles placed the monument on the Gibson County Courthouse lawn in 1956, and the mere presence of the Ten Commandments does not violate the First Amendment.

**Chocola (R-IN) #1:** The amendment clarifies that none of the funds made available by the SSJC Appropriation may be used by NASA to employ an “artist-in-residence.” For two years, NASA paid performance artist Laurie Anderson \$20,000 as the agency’s “artist in residence.” According to the amendment sponsor, the “avant-garde electronic violinist and vocalist was commissioned to perform a theatrical story-telling piece as part of a NASA outreach effort.” As Anderson describes it, “When they asked me to be their artist in residence I said, ‘Well, sure, what do I do?’ And they said, ‘We don’t really know, we’ve never had one before.’” The artist in residence position was not specifically authorized by Congress.” For more information see an RSC on-pager at <http://johnshadegg.house.gov/rsc/NASA%20Employs%20Performanceartist.doc>

**Dreier/Kolbe (R-CA/R-AZ) #3:** The amendment would increase funding under the Department of Justice State and Local Law Enforcement Assistance for the State Criminal Alien Assistance Program (SCAAP) by \$50 million (from \$355 million in the reported bill to \$405 million), offset by reducing funding to National Oceanic and Atmospheric Administration (NOAA), Operations, Research and Facilities, by \$50 million (from \$2.444 billion to \$2.39 billion). The \$355 million already in the bill already is an increase of \$54 million over FY05 funding. The program reimburses State and local governments for costs associated with incarcerating criminal illegal aliens in their facilities, but the funds can be used for any lawful purpose by the States. The Administration proposed to terminate the program, citing a failure to demonstrate results.

**Rep. Issa (R-CA) #5:** The amendment would increase funding for Salaries and Expenses of United States Attorneys by \$5 million from \$1,626,146,000 to \$1,631,146,000. To offset the increase, the amendment decreases funding for Department of Justice’s General Administration Salaries and Expenses by \$5 million (from \$127 million to \$122 million). According to the sponsor, this amendment increases funding for the U.S. Attorneys Office by \$5 million “in an effort to increase coyote prosecution.” “Coyotes” are people who smuggle illegal aliens into the United States for profit. The sponsor says that an apparent lack of funding to prosecute these criminals has resulted in the Border Patrol releasing known alien smuggler, Antonio Amparo-Lopez, an individual with 21 aliases and 20 prior arrests.

**Rep. Paul (R-TX) #10:** The amendment states:

“None of the funds made available in this Act may be used by the United Nations to develop or publicize any proposal concerning taxation or fees on any United States person in order to raise revenue for the United Nations or any of its specialized or affiliated agencies. None of the funds made available in this Act may be used by the United Nations to implement or impose any such taxation or fee on any United States person.”

According to the sponsor, “at least five times in the last decade, the United Nations has held summits where the ‘problem’ of how to develop a global tax was a major item of discussion. The United Nations has long wished to carve out a way to finance its activities independent of the dues of member states.” The amendment will prohibit any of the money appropriated in this bill from being spent to develop, publicize, implement, or impose any such UN taxation or fee on any US citizen. According to The Heritage Foundation, U.N. General Secretary Kofi Annan recently called for the creation of a global tax commission and “the chairman of the U.N. panel that first endorsed the creation of an [international tax organization] said that it would ‘take a lead role in restraining tax competition.’ According to this mentality, it’s unfair for America to have lower taxes than places such as France and Germany, especially if it means that jobs and investment flee Europe’s welfare states and come to America.” (See <http://www.heritage.org/Press/Commentary/ed121803b.cfm>)

**Rep. Paul (R-TX) #11:** The amendment states:

None of the funds made available in this Act may be used to pay any United States contribution to the United Nations or any affiliated agency of the United Nations.

**Rep. Reichert (R-WA) #12:** Increases by \$78 million the funds made available for the COPS program (from \$520 million to \$598 million); decreases by \$50 million the funds made available for FBI salaries and expenses (including motor vehicles); decreases by \$11.683 million the funds made available for DEA salaries and expenses (including drug education, travel, and motor vehicles); decreases by \$16.606 million the funds made available for the Broadcasting Board of Governors.

According to the sponsor, the amendment’s increase to the COPS program would return it to FY05 enacted levels.

**Rep. Sanders (I-VT) #14:** Prohibits funds made available to the Federal Communications Commission [FCC] from being used “to impose a forfeiture penalty under section 503 of the Communications Act of 1934 (47 U.S.C. 503) for a violation of section 1464 of title 18, United States Code, or 47 CFR 73.3999, with respect to any indecent utterance on any medium other than a radio or television broadcasting station.”

According to the sponsor, the amendment would maintain current law by barring the FCC from extending its decency standards to cable TV, satellite, or the Internet.

**Rep. Sanders (I-VT) #15:** Prohibits funds from being used “to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists.”

This amendment would limit the FBI's ability (provided under the USA Patriot Act) to obtain library circulation records, library patron lists, book sales records, book customer lists and similar items "to protect against international terrorism or clandestine intelligence activities" (quoting the section in the U.S. Code for this authority). According to the sponsor, this amendment does not limit the FBI's ability to access library Internet records using a Section 215 order, and the FBI could still use all other legal tools at their disposal, including search warrants and grand jury subpoenas, to obtain library and bookstore records.

According to a Dear Colleague from Rep. Feeney, who opposes the amendment, "the only thing this amendment protects is the ability of terrorists to plan and conspire using libraries and bookstores, because it creates a sanctuary for terrorists to, for example, send messages through books or research public facilities on how to attack while prohibiting law enforcement from determining who checked out the book under the Foreign Intelligence Surveillance Act."

**Hayworth (R-AZ):** The amendment reduces U.S. funding to the United Nations by \$218 million, which is 50% of US annual contributions. The U.S. contributes 22% of the UN's \$2 billion annual budget. H.R. 2862 designates \$440 million for next year's U.N. budget. The sponsor reports that with a \$218 million reduction in dues (50%), the U.S. will be the second largest contributor to the U.N. budget and the largest contributor to all other U.N. programs including peacekeeping missions, voluntary programs, and membership organizations. The sponsor sites "continued reports of U.N. employees taking advantage of the very people they are supposed to protect---allowing billions of dollars to be misspent in the Oil for Food relief program, twisted allegations of U.N. peacekeepers offering minors food in return for sex in the Congo, providing seats for China, Sudan, and Cuba at the Human Rights Commission" among the justifications for the amendment.

**Terry (R-NE):** According to the sponsor, "the Byrne-JAG Restoration Amendment makes an across-the-board cut of 0.448% -- less than half of one percent -- to federal agencies under H.R. 2862 in order to protect and preserve state and local anti-drug task forces by restoring the Edward Byrne Memorial Justice Assistance Grant (Byrne-JAG) program to its FY05 level of \$634 million." The Administration proposed to terminate this program.

**Musgrave (R-CO):** The amendment that increases by \$250,000 funds available for FBI counterterrorism investigations, foreign counterintelligence, and other activities related to national security. The amount of \$250,000 coincides with the estimated salary of five FBI agents currently assigned to work full-time with Hollywood. In essence, this amendment will ensure that instead of paying for five full-time Hollywood liaisons, limited federal funds will be directed toward the more pressing needs of counterterrorism and national security.

**King (R-IA):** The amendment states, "The Secretary of State may not make a contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in an amount greater than the highest contribution to UNRWA made by an Arab country, but may not exceed 22 percent of the total budget of UNRWA. For purposes of this subsection, an Arab country includes the following: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iran, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates, Iraq, and Yemen"

According to the sponsor, the amendment, “would seek to restore some accountability among the Arab nations. Currently, the United States is funding 22% of the overall UNWRA budget which equals to about \$127 million meanwhile Saudi Arabia ranks number 16 in contributing countries with only \$1.8 million.”

**Hinchey (D-NY):** Amendment text is not available. According to the sponsor, the amendment would “prohibit the Justice Department from preventing states that have passed medical marijuana laws from implementing them.”

According to opponents, “In *Gonzales v. Raich* (decided June 6, 2005), the U.S. Supreme Court upheld the constitutionality of federal marijuana laws, reminding us that state law cannot trump federal law. However, in attempting to block nationwide enforcement of those laws, the language of any amendment expected to be offered today disregards Congress’ responsibility to protect public health.”

According to the sponsor, the amendment would “prohibit the Justice Department from preventing states that have passed medical marijuana laws from implementing them.”

**Jackson-Lee (D-TX):** Text of the amendment is not available. According to reports, the amendment, “would restrict funds for illegal border patrolling.”

**Jackson-Lee (D-TX):** Text of the amendment is not available. According to reports, the amendment, “would restrict funds for Board of Immigration appeals affirmances that lack an accompanying opinion.”

**Jackson-Lee (D-TX):** Text of the amendment is not available. According to reports, the amendment, “would restrict funds for state and local law enforcement Byrne grant recipients that do not report or make publicly known the racial distribution of convictions made as a result of their activity.”

**Jackson-Lee (D-TX):** Text of the amendment is not available. According to reports, the amendment, “would fund NASA Exploration Capabilities for an additional \$50.1 million. Funds to be taken from the Securities & Exchange Commission.”

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