



Legislative Bulletin.....June 14, 2005

Contents:

**H.R. 2862 Amendments to the Science, State, Justice, and Commerce
Appropriations Act for FY 2006 (Part IV)**

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>

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.

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.

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.

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.”

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

Wolfe (R-VA): Text unavailable. Passed by voice vote.

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.”

Markey (R-MA): Prohibits funds from being used in violation of “the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.”

According to the sponsor, the amendment is “identical to the one that passed the House on the Emergency Supplemental 420 to 2 (Roll Call 75).” Additionally, the sponsor states, the “amendment would reaffirm the U.S. obligation to comply with the commitments and obligations of the Convention Against Torture. It does so by limiting the use of any funds appropriated in the appropriations bill for any action in contravention of our nation’s legal and treaty obligations not to engage in torture ourselves, and not to outsource torture to others.”

Nadler (D-NY) #9: Prohibits funds to be 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.”

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.”

Schiff (R-CA): The amendment states, “It is the sense of Congress that all necessary steps should be taken to provide adequate security for the judiciary and to protect and uphold the independence of the judicial branch.”

Cardin (D-MD): The text was not available.

According to the sponsor, “the intent of my amendment is to set aside funds, already appropriated for the USTR, to be used to file a currency case at the WTO against China. This is not an action that should be delayed for a year or two; unfair Chinese exports are hurting American businesses and workers today.”

Mica (R-FL): Increases by \$131.9 million, funds available for the Department of Commerce, International Trade Administration, Operations and Administration and reduces by \$131.9 million, funds available for the Department of State, Administration of Foreign Affairs, Diplomatic and Consular Programs, general expenses.

According to the sponsor, “Because of his concerns about the United States’ mounting trade deficit, and because the Department of State currently puts their Economic Officers in countries where they are least needed instead of countries where they are most needed, Rep. Mica is offering an amendment to transfer the 1,319 Economic Officer positions to the U.S. & Foreign Commercial Service, which does a better job promoting U.S. trade and business opportunities.”

Shimkus (R-IL): According to the office, the Congressman will not be offering the amendment.

Inslee (R-WA): Increases by \$2 million, funds made available for the National Oceanic and Atmospheric Administration, Operations, Research and Facilities, and reduces by \$2 million, funds made available for the National Oceanic and Atmospheric Administration corporate services administrative support.

According to the sponsor, the amendment “would increase money to ALL of our coastal states (including the Great Lakes region). Additionally, the sponsor states, Our amendment would increase this program [Coastal Zone Management grants program] by \$5 million to bring it in line with FY02 enacted levels. The required budgetary offset would come from the Bureau of Industry and Security.

Fossella (R-NY): The amendment states, “of the funds made available under this heading for the U.S. Interests Section, Havana, an appropriate amount of such funds shall be used to disseminate the names of fugitives, such as Joanne Chesimard and William Morales, who are residing in Cuba, and any rewards for their capture.”

According to the sponsor, the amendment “requires the US Interests Section in Havana to announce the names of fugitives believed to be in Cuba and any rewards for their capture.” Additionally, the sponsor states “a number of fugitives from the US justice system currently reside in Cuba, granted safe haven by the regime of Fidel Castro. These fugitives include Joanne Chesimard, a cop-killer from New Jersey, who escaped prison and eventually fled to Cuba... The FBI is offering \$1 million for the capture of Chesimard. It is important that this information be circulated far and wide.”

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