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**DRAFT**

## Possible Amendments to the FY 2005 Commerce, Justice, State Appropriations

The following are potential amendments (in alphabetical order) that were printed in the Congressional Record, which have been shared with the RSC, or which may be offered according to the Republican Conference.

**Under an open rule, new amendments may be offered without notice.**

**Rep. Sanders.** Inserts at the end of the bill the following new section:

SEC.801. None of the funds made available in this Act may be 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, library Internet records, bookseller sales records, or bookseller customer lists.

**Rep. Sanders.** (difference from above is “book sales” instead of “bookseller sales”) Inserts at the end of the bill the following new section:

SEC.801. None of the funds made available in this Act may be 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, library Internet records, book sales records, or book customer lists.

**Rep. Otter.** According to the sponsor’s description, the amendment would impose reasonable limits on the government’s ability to obtain sneak and peek warrants for physical evidence by narrowing the circumstances under which notice of the execution of a search warrant is delayed and requiring notification of a covert search within seven days. The amendment authorizes unlimited additional seven-day delays if the court found that notice of the warrant would continue to endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant. It also requires the Attorney General to report to Congress on the requests made for delays of notice and extensions of delays of notice. The text of the amendment is pasted below:

## TITLE VIII--NOTICE OF SEARCH WARRANTS

SEC. 801. Section 3103a of title 18, United States Code, is amended--

(1) in subsection (b)--

(A) in paragraph (1), by striking "may have an adverse result (as defined in section 2705)" and inserting "will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant"; and

(B) in paragraph (3), by striking "a reasonable period" and all that follows and inserting "seven calendar days, which period, upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, may thereafter be extended by the court for additional periods of up to seven calendar days each if the court finds, for each application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, or result in the destruction of or tampering with the evidence sought under the warrant."; and

(2) by adding at the end the following new subsection:

"(c) *Reports.*--(1) On a semiannual basis, the Attorney General shall transmit to Congress and make public a report concerning all requests for delays of notice, and for extensions of delays of notice, with respect to warrants under subsection (b).

"(2) Each report under paragraph (1) shall include, with respect to the preceding six-month period--

"(A) the total number of requests for delays of notice with respect to warrants under subsection (b);

"(B) the total number of such requests granted or denied; and

"(C) for each request for delayed notice that was granted, the total number of applications for extensions of the delay of notice and the total number of such extensions granted or denied.".

**Rep. Tancredo.** Inserts at the end of the bill the following new section:

SEC. 801. None of the funds made available in this Act for the State Criminal Alien Assistance Program under the heading "DEPARTMENT OF JUSTICE--*Office of Justice Programs--state and local law enforcement assistance*" may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

According to the bill sponsor, this amendment would restrict the use of State Criminal Alien Assistance Program (SCAAP) funds by state and local governments who refuse to cooperate with federal immigration authorities by adopting "sanctuary" policies.

**Rep. Farr.** The amendment would prohibit the Justice Department from enforcing certain drug laws regarding marijuana in certain states, by inserting at the end of the bill the following new section:

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

**Rep. Paul.** Inserts at the end of the bill the following new section:

SEC. 801. None of the funds made available in this Act may be used for the American Community Survey.

This amendment would prohibit the Census Bureau from implementing a long form survey, that is being mailed to some Americans and, according to the amendment sponsor, is seeking information that goes beyond the scope of Census activity authorized in the Constitution. To read the 2003 survey see: <http://www.census.gov/acs/www/Downloads/SQuest03.pdf>

**Rep. Paul.** Inserts at the end of the bill the following new section:

SEC. 801. (a) None of the funds made available in this Act to the Department of Justice may be used - (1) to take any legal action against a physician for prescribing or administering a drug not included in schedule I of the schedules of controlled substances under section 202(c) of the controlled Substances Act for the purpose of relieving or managing pain; or (2) to threaten legal action in order to prevent a physician from prescribing or administering such a drug for such purpose.

(b) None of the funds made available in this Act to the Department of Justice may be used - (1) to take any legal action against a person for acts relating to the prescribing or administering by a physician of such a drug for such purpose; or (2) to threaten any legal action against a person in order to prevent the person from engaging in acts relating to the prescribing or administering by a physician of such a drug for such purpose.

**Rep. Paul.** Inserts at the end of the bill the following new section:

SEC. 801. None of the funds made available in this Act may be used to pay expenses for any United States contribution to the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

**Rep. Paul.** Inserts at the end of the bill the following new section:

SEC. 801. 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.  
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**Rep. Kucinich.** The amendment deals with the funding amount for the Department of Commerce's Inspector General. While the amendment, technically has no budgetary effect, this type of amendment is often used for a Member to indicate an earmark in the Committee Report or to take time on the House floor to make some point. The amendment reads: "Page 57, line 11, after the dollar amount, insert the following: "(reduced by \$1 million) (increased by \$1 million)".

**Rep. Kucinich.** The amendment deals with the funding amount for the Department of Commerce's Inspector General. While the amendment, technically has no budgetary effect, this type of amendment is often used for a Member to indicate an earmark in the Committee Report or to take time on the House floor to make some point. The amendment reads: Page 57, line 11, after the dollar amount, insert the following: "(reduced by \$250,000) (increased by \$250,000)".

**Rep. Kucinich.** The amendment deals with the funding amount for the Department of Commerce's Inspector General. While the amendment, technically has no budgetary effect, this type of amendment is often used for a Member to indicate an earmark in the Committee Report or to take time on the House floor to make some point. The amendment reads: Page 57, line 11, after the dollar amount, insert the following: "(reduced by \$50,000) (increased by \$50,000)".

**Rep. Jackson-Lee.** The amendment reduces by \$1 million the funding for the administration of the Department of Justice (which is funded in the bill at \$124.906 million), and increases funding for the Commission on Civil Rights by \$1 million (which is currently funded in the bill at \$9.096 million (equal to the President's request and \$95,000 over FY04 funding)).

**Rep. Jackson-Lee.** The amendment reduces by \$10 million the funding for the administration of the Department of Justice (which is funded in the bill at \$124.906 million), and increases the overall funding for the COPS program, specifically the program for DNA analysis and backlog reduction by \$10 million (currently funded at \$175.788 million, which is already \$76.840 million above the FY04 level of \$98.948 million). The text of the amendment reads: "Page 26, line 20, after the dollar amount, insert the following: "(increased by \$10 million)". Page 28, line 4, after the dollar amount, insert the following: "(increased by \$10 million)."

**Rep. Jackson-Lee.** The amendment inserts the following regarding US Attorneys: "*Provided further*, That in using funds made available under this heading to prosecute crimes described in section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324 (a)), priority shall be given to cases in which the offense was part of an ongoing commercial organization or enterprise; the aliens were transported in groups of 10 or more; and the aliens were transported in a manner that endangered their lives or the aliens presented a life-threatening health risk to people in the United States." **(This provision should be subject to a point of order)**

**Rep. Oxley.** The amendment specifies that \$2.605 million of the Justice Department's legal activities account must go to prosecute adult obscenity and child exploitation crimes. The committee report already does this exact thing (see page 15), but this amendment will add the set-aside to the bill text and give it the force of law. The amendment reads: "Page 5, line 20, after the first dollar amount, insert the following: ", of which \$2,605,000 shall be for 25 positions to investigate and prosecute adult obscenity and child exploitation crimes."

**Rep. Oxley** The amendment specifies that \$2.605 million of the Justice Department's legal activities account must go to the Child Exploitation and Obscenity Section. The committee specifies \$1.785 million for this Section in the FBI portion of the committee report, but this amendment will add the set-aside to the Justice legal activities account and give it the force of law. As stated above, the committee report currently sets aside \$2.605 million (see page 15) to prosecute adult obscenity and child exploitation crimes.

**Rep. Oxley.** The amendment reads: "Page 5, line 20, after the first dollar amount, insert the following: "(reduced by \$2,605,000) (increased by \$2,605,000)." While the amendment technically has no budgetary effect on the Justice Department's legal activities account, this type of amendment is often used for a Member to insert an earmark in the Committee Report or to take time on the House floor to make some point. As stated above, the committee report currently sets aside \$2.605 million (see page 15) to prosecute adult obscenity and child exploitation crimes.

**Rep. Akin.** Inserts at the end of the bill the following new section:

SEC. 801. None of the funds made available in this Act may be used in contravention of the provisions of subsections (e) and (f) of section 301 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108-25; 22 U.S.C. 7631(e) and (f)).

This amendment ensures that no taxpayer funds designated for HIV/AIDS prevention may be used to promote or advocate the legalization of prostitution or sex trafficking, and that no funds may be given to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking. The amendment does this by reaffirming the following two provisions in Public Law 108-25:

SEC. 301. ASSISTANCE TO COMBAT HIV/AIDS. ...

(e) Limitation.--No funds made available to carry out this Act, or any amendment made by this Act, may be used to promote or advocate the legalization or practice of prostitution or sex trafficking. Nothing in the preceding sentence shall be construed to preclude the provision to individuals of palliative care, treatment, or post-exposure pharmaceutical prophylaxis, and necessary pharmaceuticals and commodities, including test kits, condoms, and, when proven effective, microbicides.

(f) Limitation.--No funds made available to carry out this Act, or any amendment made by this Act, may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking.

**Reps. Flake/Davis(FL)/Emerson/Delahunt.** Inserts at the end of the bill the following new section:

SEC. 801. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to sections 740.12 of title 15, Code of Federal Regulations (relating to license exemptions for gift parcels and humanitarian donations for Cuba), and 740.14 of such title (relating to license exemptions for baggage taken by individuals for travel to Cuba), as published in the Federal Register on June 22, 2004 (69 Fed. Reg. 34565-34567).

According to the sponsors, the Department of Commerce recently published regulations to prohibit the sending of gift parcels that contain clothing, personal hygiene items, seeds, fishing equipment, soap-making equipment, and veterinary medicines and supplies. Also, the sending of gift parcels have been limited to once per month per household, instead of once per month per individual. Furthermore, travelers going to Cuba are now limited to 44 pounds of luggage--another limit on the ability of Americans to deliver basic necessities to Cubans. This amendment would de-fund the enforcement of these new Commerce Department restrictions

**Rep. Hinchey.** Inserts at the end of the bill the following new section:

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, California, Colorado, Hawaii, Maine, Maryland,

Nevada, Oregon, Vermont, or Washington from implementing State laws authorizing the use of medical marijuana those States.

The amendment, like the Farr Amendment listed above, would prohibit the Justice Department from enforcing certain drug laws regarding marijuana in certain states.

**Rep. King (IA):** The amendment reduces by \$1 million the funding for the administration of the Department of Justice (which is funded in the bill at \$124.906 million), and increases by \$1 million the funds for enforcement of Section 642(a) and (b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

**Rep. Pitts:** Inserts the following in the State Department budget: “Page 67, line 19, insert after “\$3,580,000,000” the following: “, of which \$25,000 shall be for the Bureau of Democracy, Human Rights and Labor of the Department of State to compile and publish a list of foreign government officials who order the use of, are involved in, or engage in torture, as defined in the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment Punishment”.

**According to the Republican Conference the following are also possible amendments:**

**Rep. Hefley.** The amendment reduces the CJS Appropriations bill by 1%.

**Rep. Hefley.** The amendment reduces the funding for the U.S. Court of Federal Claims by 50% (limits salaries and expenses to not more than \$7,500,000).

**Rep. Hefley.** The amendment eliminates funding for the re-engineering and re-designing of the 2010 Short-Form of the Census.

**Rep. Sandlin .**The amendment adds (a) \$22 million to the COPS grant program for the hiring of law enforcement officers; (b) \$15 million to combat methamphetamine production and trafficking; (c) \$20 million for law enforcement technology grants; and (d) \$4.3 million to the Southwest Border Prosecution Initiative. (Note: Offsets used are not available).

**Reps. Weiner/Keller.** The amendment would restore COPS funding with an offset from the increase in resources slated to go to the Census Bureau. (No dollar amounts are available).

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