



Legislative Bulletin.....May 8, 2012

Contents:

Amendments to H.R. 5326 (Part III) —FY 2013 Commerce, Justice, Science, and Related Agencies Appropriations Act of 2013

The following Legislative Bulletin contains information on the amendments about to be considered and the 13 amendments pre-printed in the Congressional Record through today, May 8, 2012.

Order of Business: The amendments to H.R. 5326, the FY 2013 Commerce, Justice, Science, and Related Agencies Appropriations Act of 2013, are scheduled to be considered on Tuesday, May 8, 2012, and throughout the remainder of the week under an open rule. The rule ([H.Res.643](#)) waives all points of order against consideration of the bill. General debate on the bill shall not exceed one hour. The rule also provides for the bill to be read for amendment by paragraph and under the five minute rule. The rule ***provides priority for recognition to Members who have pre-printed their amendments in the Congressional Record*** and provides for one motion to recommit with or without instructions.

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SUMMARY OF AMENDMENTS SCHEDULED TO BE CONSIDERED THIS VOTE SERIES

Davis (D-IL). This amendment reduces the \$165 million appropriated for the State Criminal Alien Assistance Program as authorized by the Immigration and Nationality Act (section 241(i)(5) of 8 U.S.C. 1231 (i)(5)) by \$10 million and increases the \$70 million amount appropriated for offender reentry programs and research authorized by the Second Chance Act of 2007 (P.L. 110-199) by \$10 million. The Second Chance Act of 2007 authorizes federal grants to government agencies and nonprofit organizations to provide employment assistance, substance abuse treatment, housing, family programming, mentoring, victims support, and other services to reduce prison recidivism. The base text appropriated amount of \$70 million is a \$7 million increase above FY2012 funded levels.

Grimm (R-NY)/ Pierluisi (D-NY)/ King (R-NY)/ Holt (D-NY). The amendment increases funding for the Community Oriented Policing Services Program by \$126 million and offsets this increase by reducing by the same amount funding for cross-agency support for NASA. According to the sponsor, the amendment aims to bring FY2013 funding up to the FY2012 funding levels of \$166 million for this program to protect key federal assistance for state and local law enforcement agencies throughout the United States. The amendment is supported by the International Brotherhood of Police Officers.

Huizenga (R-MI). This amendment strikes Section 212. Section 212 places a moratorium on Office of Management and Budget (OMB) Circular A-76 public-private competitions for commercial activities within Federal Prison Industries (UNICOR), a government-run corporation within the Bureau of Prisons at the DOJ. In other words, Section 212 prevents funding for public-private sector competition within the Bureau of Prisons. According to the amendment's sponsor, the House successfully voted five times to strike anti-A76 language. The Business Coalition for Fair Competition is key voting support for this amendment.

Johnson (D-GA). According to the sponsor's office, the amendment reduces funding for NASA's Cross Agency Support account by \$26,000,000, and it increases funding for the Equal Employment Opportunity Commission by \$7,143,000.

Flake (R-AZ). The amendment brings the funding levels for the National Science Foundation back down to pre-stimulus levels (fiscal year 2008) while transferring over \$1.2 billion to the Spending Reduction Account to be used towards deficit reduction. According to the amendment's sponsor, spending on NSF has averaged \$5.7 billion annually for the four previous years. After enactment of the stimulus bill, its spending rose to \$7.6 billion. Current year FY2012 funding is set at \$7.3 billion. Reports have uncovered instances of highly questionable NSF spending of taxpayer money including \$755,000 to find out how rumors start as well as \$315,000 to answer whether Facebook's "Farmville" game helps people find friends.

Westmoreland (R-GA). This amendment reduces the \$328 million appropriation to the Legal Services Corporation (LSC) by \$128 million and transfers this amount the Spending Reduction Act (Section 541) for deficit reduction purposes. The \$328 million funding level is the lowest funding level for the LSC since FY2006 (down from \$405 million in FY2011). Congress created the LSC in 1974 with the intent for it to provide free, legal assistance to the poor in civil, non criminal matters. According to CRS, the LSC funded 137 legal services programs in 918 offices. The LSC has not merely continued to offer services duplicative of those offered by states, localities, bar associations, and private organizations, but has engaged in lobbying, advocacy of political causes, and litigation against the federal government. LSC's taxpayer funding activities have been for various left-wing causes that center on the advancement of big-government priorities as opposed to representing the legal interests of the poor. Senator Phil Gramm explained his opposition to the program in 1995 as follows: "They're being advocates for the existing welfare bureaucracy, and while they may have a right to do it, they don't have a right to do it with taxpayers' money." A *Washington Times* [analysis](#) also points out many examples of wasteful Legal Services Corporation spending: "... a decorative natural-stone wall, no-bid contracts for consultants, alcohol for a congressional party and more than 100 casino hotel rooms that were never occupied..." In previous years, according to the same analysis, taxpayer dollars have been used by this program on "limousines, first-class airfare, and \$14 Death by Chocolate pastries for its executives." Additionally, this program has not been reauthorized since 1980. The [RSC Repeal Task Force](#) and [Spending Reduction Act](#) highlight the LSC's elimination. The RSC also has issued [Waste Action Alerts](#) calling for its elimination. Repealing the LSC is supported by Americans for Limited Government and the [Heritage Action for America](#). The sponsor of this amendment points out that the LSC abuses our legal system in an effort to take advantage of the agricultural industry, and that we cannot afford its frivolity during the current budget climate.

Scott (R-GA). This amendment entirely eliminates the \$328 million appropriation to the Legal Services Corporation (LSC) and transfers this amount to the Spending Reduction Act (Section 541) for deficit reduction purposes. Congress created the LSC in 1974 with the intent for it to provide free, legal assistance to the poor in civil, non criminal matters. According to CRS, the LSC funded 137 legal services programs in 918 offices. The LSC has not merely continued to

offer services duplicative of those offered by states, localities, bar associations, and private organizations, but has engaged in lobbying, advocacy of political causes, and litigation against the federal government. LSC's taxpayer funding activities have been for various left-wing causes that center on the advancement of big-government priorities as opposed to representing the legal interests of the poor. Senator Phil Gramm explained his opposition to the program in 1995 as follows: "They're being advocates for the existing welfare bureaucracy, and while they may have a right to do it, they don't have a right to do it with taxpayers' money." A *Washington Times* [analysis](#) also points out many examples of wasteful Legal Services Corporation spending: "... a decorative natural-stone wall, no-bid contracts for consultants, alcohol for a congressional party and more than 100 casino hotel rooms that were never occupied..." In previous years, according to the same analysis, taxpayer dollars have been used by this program on "limousines, first-class airfare, and \$14 Death by Chocolate pastries for its executives." Additionally, this program has not been reauthorized since 1980. The [RSC Repeal Task Force](#) and [Spending Reduction Act](#) highlight the LSC's elimination. The RSC also has issued [Waste Action Alerts](#) calling for its elimination. Repealing the LSC is supported by Americans for Limited Government and the [Heritage Action for America](#). Rep. Lynn Westmoreland has offered a similar amendment that reduces the \$328 million appropriation by \$128 million.

Black (R-TN). The amendment prohibits funding to be used by the Attorney General to overturn, enjoin, or invalidate:

- Oklahoma Taxpayer and Citizen Protection Act of 2007 (HB 1804), which became effective on November 1, 2007;
- Missouri House Bill 390, First Regular Session 2009, 9th General Assembly, which became effective on August 28, 2009;
- the Support Our Law Enforcement and Safe Neighborhoods Act (SB 1070), which was signed into law in Arizona on April 23, 2010;
- The Illegal Immigration Enforcement Act (HB 497), which was signed into law in Utah on March 15, 2011;
- Indiana Senate Enrolled Act No. 590, First Regular Session, 117th General Assembly (2011), which was signed into law on May 10, 2011;
- the Beason-Hammon Alabama Taxpayer and Citizen Protection Act (HB 56), which was passed by the Alabama State legislature on June 9, 2011;
- South Carolina Act No. 69 (SB 20), which was signed into law on June 27, 2011;
- the Illegal Immigration Reform and Enforcement Act of 2011 (HB 87), which became effective in the State of Georgia on July 1, 2011; or
- an Act to amend the Indiana Code concerning education (HB 1402), which became effective in the State of Indiana on July 1, 2011.

Blackburn (R-TN). This amendment would reduce each account in the legislation by 1%. This would not affect accounts in which the amount is specifically required by law and would yield savings of \$511 million.

Broun (R-GA)/RSC Amendment to CJS Appropriations. The FY 2013 Commerce-Science-Justice bill provides a spending level of \$51.1 billion, which is \$1.6 billion *less* than last year. This amendment would cut an additional \$2.7 billion—for a total savings

of \$4.3 billion over last year—by cutting all accounts in the bill by 12.2% *except*: 1) NASA, 2) FBI, and 3) US Marshals. **RSC Chairman Jim Jordan, and RSC Budget and Spending Taskforce Chairman Scott Garrett, encourage Members to support the amendment.**

Southerland (R-FL)/Grimm (R-NY). This amendment prohibits funds appropriated by this bill from being used on new access privilege programs, also known as “Catch Shares,” for fisheries under the jurisdiction of the South Atlantic, Mid-Atlantic, New England, or Gulf Coast of Mexico Fishery Management Council. These catch shares are systems which give a secure privilege to take a percentage of a fisheries’ total catch, and are issued by the National Oceanic and Atmospheric Administration. Many conservatives argue that they have the effect of Cap and Trade on American fisheries.

SUMMARY OF AMENDMENTS PREPRINTED IN THE CONGRESSIONAL RECORD

May 7, 2012

1. **Gowdy (R-SC).** This amendment reduces the \$110,332,000 amount appropriated for administration of the Department of Justice by \$1 million and transfers this same amount to the Spending Reduction Account (Section 541) for deficit reduction purposes.
Amendment passed by voice.
2. **Davis (D-IL).** This amendment reduces the \$165 million appropriated for the State Criminal Alien Assistance Program as authorized by the Immigration and Nationality Act (section 241(i)(5) of 8 U.S.C. 1231 (i)(5)) by \$10 million and increases the \$70 million amount appropriated for offender reentry programs and research authorized by the Second Chance Act of 2007 (P.L. 110-199) by \$10 million.
3. **Pompeo (R-KS).** This amendment eliminates the entire amount of \$219,500,000 appropriated for the Economic Development Administration (EDA) and transfers this same amount to the Spending Reduction Account (Section 541) for deficit reduction purposes. In effect, the amendment ends this program created in 1965 as a President Lyndon B. Johnson Great Society effort. According to the amendment sponsor, the EDA has spent \$1.2 billion on grants since 2005 and allows the Administration to advance local projects that narrowly benefit a particular company, region, or industry. It is a federal program that picks winners and losers whose activities should be left for the private sector to address. The EDA was listed as program to eliminate by the bipartisan Simpson-Bowles Deficit Reduction Commission, and even then-Senator Barack Obama explained it to be “little more than a fund for corporate welfare.” Besides its elimination supported by **Americans for Prosperity, Club for Growth, Council for Citizens for Government Waste, Heritage Action (scoring this amendment), Business Coalition for Fair Competition, Americans for Tax Reform, and the National Taxpayers Union**, its elimination has been highlighted by the [RSC’s Repeal Task Force](#). Also, the RSC’s [Spending Reduction Act](#) would have eliminated the EDA.
4. **Lynch (D-MA).** This amendment reduces the \$625,357,000 amount appropriated for the collecting, compiling, analyzing, preparing and statistics publishing costs for the Bureau of Census programs by \$4 million and increases by the same amount funding for specialized drug courts authorized by Omnibus Crime Control and Safe Streets Act of

1968. According to the sponsor, there is a significant drug epidemic throughout the country. **This amendment has been adopted by voice.**

5. **Sessions (R-TX).** This amendment eliminates a moratorium on transitioning commercial activities out of the federal government and into the private sector. According to the amendment sponsor, a provision of Section 505 of the bill allows the federal government to monopolize commercial activities which duplicate and compete with the private sector, resulting in inefficient expenditures of taxpayer money. This amendment does not affect inherently governmental activities. Many conservatives may believe that this amendment would lead to the creation of more private sector jobs, not growing the size and cost of the federal government.
6. **Lewis (D-GA).** This amendment creates a new section at the end of the bill that prohibits any funding for closing the regional field offices of the Antitrust Division of the Department of Justice (DOJ). According to the [DOJ](#), each of their seven field offices play a primary role in the DOJ's criminal investigations and prosecutions and serves as the DOJ's liaison with U.S. attorneys, state attorneys general, and other regional law enforcement agencies. They also handle national and international matters that arise within their territories. Some conservatives may be concerned that this amendment could prevent the DOJ from taking measures to save taxpayers' money.
7. **Cravaack (R-MN).** This amendment creates a new section at the end of the bill that prevents any appropriated funds from being used to carry out the Climate Change Education Program of the National Science Foundation (NSF). According the Obama Administration's FY2012 Budget request, the Climate Change Education Program enables a variety of partnerships within formal and informal settings such as K-12 education, higher education, the private sector, related non-profit organizations, and relevant education and/or climate related policy makers. This program is currently funded at \$10 million per year. Other similar climate change education programs are already eligible education funding at the NSF, so this program appears duplicative and unnecessary. This proposal is currently a [You Cut](#) proposal that would save taxpayers up to \$38 million over 10 years.
8. **Duncan (R-SC).** This amendment prohibits any funds to implement the National Ocean Policy developed under Executive Order 13547 (75 fed. Reg. 43023, relating to the stewardship of oceans, coasts, and the Great Lakes). **Note**—RSC staff has been notified that this amendment may not be offered.
9. **Turner (R-OH).** This amendment increases the minimum level of funding that the International Trade Administration (ITA) must devote to China antidumping and countervailing duty enforcement and compliance activities by \$5 million, from \$11.4 million to \$16.4 million, using the existing \$467,737,000 appropriated in the bill. According to the amendment sponsor, Congress has for the last three years directed the same \$11.4 million level of funding for China antidumping and countervailing duty enforcement and compliance activities. With the rise in Chinese imports and the increasing complexity of cases the ITA must evaluate, the amendment's sponsor believes efforts to protect U.S. manufacturers and employees from unfair trade practices receive sufficient dedicated funding. Also, according to the amendment sponsor, this increase is does not require an offset because the overall amount appropriated is not increased. On the other side, some economists might argue that antidumping and countervailing

enforcement may raise costs to consumers along with some business that make use of these imports. **This amendment passed by voice vote.**

- 10. Harris (R-MD).** This amendment reduces by \$542,000 the funding for the Climate Portal of the National Oceanic and Atmospheric Administration (NOAA) and transfers this same amount to the Spending Reduction Account (section 541) for deficit reduction purposes. According to the amendment sponsor, this Climate Portal seeks to hire additional government employees to expand climate communications, outreach, and education material which tend to focus on advocacy instead of science. The amendment reduces the 56% increase in funding for the Climate Portal and retains its current level funding.
- 11. Westmoreland (R-GA).** This amendment reduces the \$328 million appropriation to the Legal Services Corporation (LSC) by \$128 million and transfers this amount the Spending Reduction Act (Section 541) for deficit reduction purposes. Congress created the LSC in 1974 with the intent for it to provide free, legal assistance to the poor in civil, non criminal matters. According to CRS, the LSC funded 137 legal services programs in 918 offices. The LSC has not merely continued to offer services duplicative of those offered by states, localities, bar associations, and private organizations, but has engaged in lobbying, advocacy of political causes, and litigation against the federal government. LSC's taxpayer funding activities have been for various left-wing causes that center on the advancement of big-government priorities as opposed to representing the legal interests of the poor. Senator Phil Gramm explained his opposition to the program in 1995 as follows: "They're being advocates for the existing welfare bureaucracy, and while they may have a right to do it, they don't have a right to do it with taxpayers' money." A *Washington Times* [analysis](#) also points out many examples of wasteful Legal Services Corporation spending: "... a decorative natural-stone wall, no-bid contracts for consultants, alcohol for a congressional party and more than 100 casino hotel rooms that were never occupied..." In previous years, according to the same analysis, taxpayer dollars have been used by this program on "limousines, first-class airfare, and \$14 Death by Chocolate pastries for its executives." Additionally, this program has not been reauthorized since 1980. The [RSC Repeal Task Force](#) and [Spending Reduction Act](#) highlight the LSC's elimination. The RSC also has issued [Waste Action Alerts](#) calling for its elimination. The sponsor of this amendment points out that the LSC abuses our legal system in an effort to take advantage of the agricultural industry, and that we cannot afford its frivolity during the current budget climate.
- 12. Richardson (D-CA).** This amendment decreases by \$30 million the \$1.153 billion of funding for the state and local law enforcement training at the Bureau of Alcohol, Tobacco, Firearms and Explosives with the DOJ. It then transfers \$26 million to increase funding for DNA-related and forensic programs and activities by local, state and federal activities.
- 13. Richardson (D-CA).** This amendment decreases by \$35 million the \$1.153 billion of funding for the state and local law enforcement training at the Bureau of Alcohol, Tobacco, Firearms and Explosives within the DOJ. It then transfers \$30 million to increase funding for the Edward Byrne Memorial Justice Assistance Grant program as authorized under the Omnibus Crime Control and Safe Streets Act of 1968. Congress created this anti-drug program in 1988 to provide federal law enforcement grants to state

and local governments. The program offer grants for local drug task-force agencies, crime prevention initiatives and substance abuse programs, among other efforts. The Bush Administration proposed eliminating funding for the program through multiple budget requests.

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