



Legislative Bulletin.....May 29, 2014

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Amendments to H.R. 4660 - Commerce, Justice, Science, and Related Agencies Appropriations Act, 2015 (Wolf, R-VA) – Part IV

Further Updates on amendments will be sent as they become available.

Amendments to H.R. 4660 - Commerce, Justice, Science, and Related Agencies Appropriations Act, 2015 (Wolf, R-VA) – Part IV

The Committee Report can be found [here](#), and the text of the legislation can be found [here](#).

Amendments with Requested Votes:

1. **Moran (D-VA):** Would strike the long-standing provisions in the underlying bill that prohibit the transfer of Khalid Sheikh Mohammed or any other detainee in Guantanamo Bay to the U.S. (Sec. 528), as well as prohibits funds to construct, acquire, or modify a facility in the U.S. to house detainees currently held at Guantanamo Bay (Sec. 529).
2. **Blackburn (R-TN):** Would reduce the bill across the board (other than the FBI) by one percent (\$400 million).
3. **Blackburn (R-TN):** Prohibits funds for the operation, renovation or construction at the Thompson Correctional Facility in Illinois. According to the amendment sponsor, “the Obama Administration attempted to purchase Thomson in 2009 in order to hold prisoners from Guantanamo Bay. Congress pushed back and the Administration relented. However, in 2012 DOJ purchased the prison for \$165 million. The prison sits empty and costs \$2 million annually to maintain according to the Coburn Wastebook.”
4. **[Bonemici \(D-OR\)](#):** Prohibits funds for the DOJ to prevent states for legalizing industrial hemp laws. Sixteen states have passed laws permitting industrial hemp (California, Colorado, Hawaii, Indiana, Kentucky, Maine, Montana, Nebraska, North Dakota, Oregon, South Carolina, Utah, Tennessee, Vermont, Washington, and West Virginia).

Federal law prohibits the production of hemp without a permit from the Drug Enforcement Agency. The DEA has not granted any current licenses for hemp.

According to the amendment sponsors, \$500 million worth of legal hemp products are sold at retail in the country each year, all of which are imported.

The [CRS](#) states that hemp is “genetically different” from marijuana, and is “distinguished by its use and chemical makeup. Hemp has long been cultivated for non-drug use in the production of industrial and other goods.”

5. [Rohrabacher \(R-FL\)](#): Prohibits the DOJ from using funds to prevent states to implement medical marijuana laws. The amendment specifies that the DOJ may not prevent such laws in the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Washington, and Wisconsin.

Grover Norquist has [written an op-ed](#) in support of this amendment.

Opponents of the amendment point to a report from the DEA, [The Dangers and Consequences of Marijuana Abuse](#).

6. [Holding \(R-NC\)](#): Prohibits funds for detailing employees to the office of the Pardon Attorney for screening clemency applications. The DOJ recently announced a [new clemency initiative](#).
7. [Massie \(R-KY\)](#): Would prohibit the DOJ from using funds in contravention of section 7606 of the 2014 Farm Bill, which allows States to grow or cultivate industrial hemp for research purposes. This provision was included in the Farm bill by a [225 – 200](#) vote. The [DEA recently confiscated](#) hemp seeds from the University of Kentucky, forcing the State to sue the DEA for their release.
8. [Southerland \(R-FL\)](#): Prohibits funds for new Catch Share programs in the Gulf of Mexico and Atlantic fisheries. The [CRS](#) describes Catch Shares as “the general term for fishery management systems which divide the total quota or harvest level of fish into individual shares or quotas.”

Supporters of this amendment say that Catch Shares unnecessarily restrict recreational fishing and that NOAA’s methods for determining catch shares are flawed. Opponents of his amendment say that Catch Shares are developed through regional fishery management councils and prevent overfishing.

In 2012, a similar amendment was approved by a [220 – 191](#) vote.

9. [Ellison \(D-MN\)](#): Makes ineligible for federal contracts using funds appropriated by this bill contractors who have violated the Fair Labor Standards Act.

10. [Grayson \(D-FL\)](#): Prohibits funds to compel a journalist to testify regarding information or his sources that a journalist states in a motion to quash the subpoena that he has obtained as a journalist and he regards as confidential.
11. [Duffy \(R-WI\)](#): Prohibits funds to “relinquish the responsibility of the [National Telecommunications and Information Administration \(NTIA\)](#) with respect to Internet domain name system functions, including responsibility with respect to the authoritative root zone file and the Internet Assigned Numbers Authority (IANA) functions.”

On March 14, 2014, the NTIA [announced its intentions](#) to transition Internet domain name functions to “the global multistakeholder community.” Currently the technical IANA functions are performed by the Internet Corporation for Assigned Names and Numbers (ICANN) pursuant to a contract administered by NTIA. A CRS report on Internet Governance can be found [here](#). On May 14, 2014, the House approved H.R. 1580, a measure that states “It is the policy of the United States to preserve and advance the successful multistakeholder model that governs the Internet,” by a [413 – 0](#) vote.

Supporters of this amendment contend that we should not relinquish our stewardship of the Internet. Some will be concerned that if ICANN is allowed to act without appropriate oversight of the NTIA, it could become unduly influenced by nations or international organizations that do not respect the right of free speech.

The [Internet Association and Information Technology Industry Council](#) have written to Congress expressing their “support for the decision by the NTIA to begin a process for transitioning oversight authority over a set of technical Internet functions to the multi-stakeholder community,” and that they “do not believe the amendment helps the process and urge opposition to his amendment.” The [U.S. Chamber of Commerce](#) also written that NTIA “should be allowed to take any needed steps to achieve the cautiousness and transparency that we agree is essential for a safe and smooth transition of the technical functions. Any hindering of NTIA’s ability to conduct the proper levels of due diligence through the use of currently available resources could result in harm to U.S. businesses and Internet users as a whole.”

Conservative Support: [Americans for Limited Government](#) and Heritage Action.

12. [Garrett \(R-NJ\)](#): Would prohibit funds for the DOJ to engage in any litigation in which they seek to apply [disparate impact theory](#). According to the amendment sponsor, “the Department of Justice has pursued and obtained large legal settlements from lenders, landlords, and insurers in discrimination lawsuits using the dubious legal theory of “disparate impact.” This theory indiscriminately sweeps up those who have not discriminated along with those who have, establishes perverse incentives in the housing and insurance markets, and introduces moral hazards and costs that threaten our economic recovery.”

For more information on the problems with the DOJ’s practices, see this [Daily Caller](#) article. This amendment is supported by the American Insurance Association, National

Association of Mutual Insurance Companies, and the Property Casualty Insurers Association of America, who state “The rule could be used to challenge common and regulator-approved factors used for risk-based pricing — including an applicant's claims history, construction materials, the presence or absence of a security system, and distance from a firehouse — if they were found to result in a statistical disparity for a class defined by race, ethnicity, or gender.”

13. **King (R-IA)**: Prohibits funds from DOJ State and Local Law Enforcement Assistance to go to sanctuary cities that fail to cooperate with immigration enforcement officials. A similar amendment was approved by voice vote in 2012.
14. **Meadows (R-NC)**: Would prohibit the U.S. Trade Representative from entering into a trade agreement that would establish carbon control requirements or limit greenhouse gas emissions. Heritage Action supports this amendment because such an agreement would be harmful for U.S. jobs and economic growth.

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