



Amendments to H.R. 2578—Fiscal Year 2016 Commerce, Justice, and Science Appropriations (Culberson, R-TX) – Part II

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

AMENDMENTS WITH REQUESTED VOTES:

1. **[Pittenger \(R-NC\)](#)**: Would increase Federal Bureau of Investigation (FBI) for Counterterrorism activities by \$25 million and would reduce the Legal Services Corporation (LSC) by the same amount. FBI Counterterrorism/Counterintelligence would be provided \$3.425 billion in the bill.

The LSC would be appropriated \$300 million, \$152 million below the president’s request and \$75 million below the FY15 enacted level. The LSC has not been authorized since 1980. The [RSC Budget](#) calls for the elimination of the LSC, explaining “the LSC has evolved into an organization that also takes part in the advocacy for political causes and lobbying. The LSC is marked by misuse of taxpayer money and redundancy as many of LSC’s programs are offered by the states.” Several outside groups have advocated eliminating the LSC, including [Heritage](#), [Citizens Against Government Waste](#), and [Cato](#).

2. **[Nadler \(D-NY\)](#)**: Would strike the long-standing provision in the bill that would prohibit the transfer of Khalid Sheikh Mohammed or any other detainee in Guantanamo Bay to the U.S. (Sec. 527).
3. **[Farr \(D-CA\)](#)**: Would strike a provision in the bill that would prohibit funds to facilitate, permit, license, or promote exports to the Cuban military or intelligence services, any officer of the military or intelligence services, or any immediate family member of such an officer (Sec. 540).
4. **[Blackburn \(R-TN\)](#)**: Would reduce funding by one-percent across the board, with the exception of the Federal Bureau of Investigation (FBI), Fees and Expenses of Witnesses, Public Safety Officer Benefits, and United States Trustee System Fund. This would amount to a \$450 million cut.

Key Vote Support: [FreedomWorks](#)

5. **[Foster \(D-IL\)/Garrett\(R-NJ\)](#)**: Would prohibit funds provided by the bill for the Experimental Program to Stimulate Competitive Research ([EPSCoR](#)) program. This program is run by the National Science Foundation (NSF) and determines grant eligibility based on the level of NSF funding that has been given to a state over the last three years. According to the amendment sponsor, it is meant to steer funding to small population states.

Currently, Alabama, Alaska, Arkansas, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Maine, Mississippi,

Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Vermont, West Virginia, and Wyoming, Guam, Puerto Rico, and the U.S. Virgin Islands are [eligible](#) for EPSCoR funding.

Currently, Delaware, Iowa, Missouri, Tennessee, and Utah are not eligible for Research and Infrastructure Improvement grants but are [eligible](#) for Workshops and Outreach grants.

6. **Bonamici (D-OR):** Would prohibit funds for the DOJ to prevent states for legalizing industrial hemp laws. Twenty-three states have passed laws permitting industrial hemp (California, Colorado, Delaware, Hawaii, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Missouri, Montana, Nebraska, New York, North Dakota, Oregon, South Carolina, Tennessee, Utah, Vermont, Washington, West Virginia, and 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.”

A similar amendment to the FY 2015 CJS Appropriations bill passed by a 237 -170 vote.

7. **Ellison (D-MN):** Would prohibit funds to enter into a contract with a federal contractor that has a single violation of the [Fair Labor Standards Act \(FLSA\)](#). This law requires private employers to comply with federal minimum wage, overtime pay, and child labor standards.

Under current law, federal agencies have ability to reject a contractor who has a history of violating labor laws. Some may be concerned that this amendment would encourage frivolous lawsuits against employers and that the [GAO has reported problems](#) with the Department of Labor’s guidance on the FLSA.

In 2014, the president issued an executive order to deny contracts to any company that has violated or allegedly violated various federal labor laws. In February, the Education and Workforce Committee held a joint subcommittee hearing on this executive order “[The Blacklisting Executive Order: Rewriting Federal Labor Policies Through Executive Fiat.](#)”

According to the industry groups, the [following groups](#) have urged a “NO” vote on any version of this amendment: Acquisition Reform Working Group (ARWG), American Hotel and Lodging Association (AHLA), American Trucking Associations (ATA), Associated Builders and Contractors (ABC), Associated General Contractors (AGC), HR Policy Association (HRPA), International Franchise Association (IFA), IT Alliance for Public Sector (ITAPS), National Association of Manufacturers (NAM), Professional Services Council (PSC), [Society for Human Resource Management \(SHRM\)](#), and U.S. Chamber of Commerce.

A Dear Colleague from the Committee on Education and the Workforce can be found [here](#). A similar amendment to the FY2016 Military Construction and Veterans Affairs Appropriations bill failed by a [186 – 237](#) vote.

8. [Grayson \(D-FL\)](#): Would prohibit funds provided by the bill to negotiate or enter into a trade agreement whose negotiating texts are confidential. This amendment is meant to block the U.S. Trade Representative from negotiating the Trans-Pacific Partnership.
9. [Rohrabacher \(R-CA\)](#): Would prohibit the Department of Justice 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, Georgia, Guam, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin.

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

A similar amendment to the FY 2015 CJS Appropriations bill passed by a [219 – 189](#) vote.

10. [Grayson \(D-FL\)](#): Would prohibit funds to compel a person to testify about information obtained as a journalist or a reporter and regarded as confidential.

House Judiciary Committee Chairman Goodlatte stated his concern during debate that the language in this amendment was overly broad.

A similar amendment to the FY 2015 CJS Appropriations bill passed by a [225 – 183](#) vote.

11. [McClintock \(R-CA\)](#): Would prohibit the Department of Justice from using federal funds to prevent a state from implementing its own marijuana laws, including laws authorizing the use, distribution, possession, or cultivation of marijuana on non-federal lands.

The amendment specifies that the DOJ may not prevent such laws in the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin.

12. [Perry \(R-PA\)](#): Would prohibit funds provided by the bill to prevent a state from implementing any law that makes it lawful to possess, distribute, or use cannabidiol or cannabidiol oil. According to the amendment sponsor, cannabidiol “has shown significant results in reducing the amount and duration of seizures in children who suffer from epilepsy,” and “comes from an extremely low THC strain of hemp and its characteristics mirror the Farm Bill definition of industrial hemp. With such a low THC concentration, the hallucinogenic effects of typical marijuana are eradicated.” Seventeen states have legalized cannabidiol.

13. [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.

A similar amendment to the FY 2015 CJS Appropriations bill passed by a [216 – 190](#) vote.

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