



June 27, 2006

Amendments to the Science, State, Justice, and Commerce Appropriations Act of 2007, H.R. 5672

Part II

The following contains information on amendments not pre-printed in the Congressional Record that may be offered.

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Amendments Not Pre-printed in the Congressional Record

Waxman (D-CA) / Lee (D-CA). The sponsor's office did not provide text. However, according to a dear colleague, "In December 2005, the Administration acknowledged the need for more fair and balanced input on these issues [pharmaceutical trade policy]. The International Trade Administration issued a Federal Register notice seeking nominations for public health and community health representatives to serve on Industry Trade Advisory Committees (ITACs) 3 and 15, which advise the U.S. Trade Representative on pharmaceutical and intellectual property negotiations. Our amendment would block the use of Science-State-Justice-Commerce funds for these two advisory committees unless USTR lives up to its commitments and obligations."

Inslee (D-WA) / Brown-Waite (R-FL). Increases by \$11 million (from \$390 million to \$401 million), funds made available for the Violence Against Women and Prosecution Programs, and decreases by \$11 million (from \$213 million to \$202 million), funds made available for the salaries and expenses account at the Federal Trade Commission. The amendment details that \$5 million is to be directed to grants to assist children and youth exposed to violence, \$5 million is for services to advocate for and respond to youth, and \$1 million is for the national tribal sex offender registry. **These are new programs, which have been authorized but not funded. This amendment will result in the funding of three new programs.**

Andrews (D-NJ) / Jones (R-NC). Prohibits funds from being used to implement the revision to Office of Management and Budget Circular A-76 made on May 29, 2003.

According to the sponsor's office, "By withholding FY07 funds from being spent to implement Office of Management and Budget (OMB) Circular A-76, this amendment would allow the House to go on record with its concerns about how A-76 is being implemented. The reform we hope the SSJC conferees would consider is to provide federal employees of agencies funded by this bill with the equal right already enjoyed by private contractors to appeal to the Government Accountability Office (GAO) agencies' contracting out decisions."

Sodrel (R-IN). Prohibits funds in the Act from being used for the purpose of enforcing the final judgment of the Federal District Court for the Southern District of Indiana issued in *Hinrichs v. Bosma*, prohibiting the Speaker of the Indiana House of Representatives from permitting sectarian prayer as part of the official proceedings of the House. According to the sponsor's office, "Mr. Sodrel believes that this decision is an unwarranted intrusion by a federal court into the internal operating processes of a state legislature. No law was at issue. An ACLU backed lawsuit was brought against the speaker of the Indiana House for allowing prayers that mentioned the Christian religion during legislative sessions. Mr. Sodrel's Amendment would prohibit federal funds from being used to enforce that decision."

Tubbs Jones (D-OH) / Norton (D-DC). Prohibits funds from being used for the operation of the National Contact Center (NCC) of the Equal Employment Opportunity Commission. According to the sponsor's office, "The Equal Employment Opportunity Commission (EEOC) established a National Contact Center (NCC) in Lawrence, Kansas through Pearson Government Solutions in March 2005. The NCC is an 18 month pilot project intended to function as a starting point for people to determine whether they've got a legitimate employment discrimination claims. Unfortunately, the NCC has proven to be more of an encumbrance for EEOC employees, both physically and fiscally. EEOC's backlog continues to accelerate with 39,061 unresolved cases in 2006, up from 33,562 in 2005. A survey conducted by the National Council of EEOC Locals 216, responded to by 116 employees from 33 offices, found that 79 percent of respondents rated the call center's performance as unsatisfactory. Given modern day budget constraints, we literally cannot afford to continually fund projects proven to be fallible or ineffective."

Nadler (D-NY). Reduces by \$10 million (from \$668 million to \$658 million) the funds in the bill for the Department of Justice's general activities account; increases by \$10 million (from \$0 to \$10 million) the funds in the bill for Violence Against Women Prevention Program, specifically for the Jessica Gonzales Victim Assistance Program.

According to the sponsor, this amendment will "fully fund the Jessica Gonzales Victim Assistance Program, which was authorized in the Violence Against Women Act Reauthorization of 2005 to restore the effectiveness of protective orders." This amendment would provide funds for a new program authorized not previously funded.

Nadler (D-NY). Reduces by \$40 million (from \$668 million to \$628 million) the funds in the bill for rental of office space in Washington, D.C. by the U.S. Parole Commission;

increases by \$40 million (from \$5.959 billion to \$5.999 billion) the funds in the bill for necessary expenses of the FBI.

According to the sponsor, this amendment would provide \$40 million for the FBI's National Name Check Program (NNCP). The sponsor states that NNCP processes U.S. citizenship and Immigration Services security background checks for immigrants applying for asylum, residency, and citizenship, and NNCP has a "significant backlog" processing these applications, and these funds will help eliminate the backlog.

Nadler (D-NY). Prohibits funds in the bill from being used to issue a national security letter (NSL) to a health insurance company under section 505 of the PATRIOT Act (the section proscribing the procedures for issuing or challenging a national security letter).

According to the sponsor, NSL's are "still carried out under an automatic and likely permanent gag order because judicial review of this order is almost meaningless if a judge must accept the government's certification as conclusive." Thus, this amendment would block the issuance of an NSL to obtain the health records that have been requested by the Department of Justice for a suspected terrorist.

Culberson (R-TX). Prohibits funds from being used in violation of section 1373 of title 8, United States Code.

SEC. 642. 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.

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.

Johnson (R-CT). Reduces the funds for the Bureau for the Census' Periodic Censuses and Programs by \$3.3 million (from \$511.8 million to \$511.5 million), and increases the funds for Federal Bureau of Investigation salaries and expenses by \$3.3 million (from \$5.9596 billion to \$5.9629 billion). According to the sponsor's office, the money is intended for the FBI's Innocent Images Task Force, an entity that integrates many federal efforts to prosecute online sex predators and the distribution of child pornography. The sponsor contends that the task force is "grossly overburdened," and the extra funds can be used for additional field agents.

Waters (D-CA). Reduces the funds for Department of Justice general administrative salaries and expenses by \$840,000 (from \$90.13 million to \$89.29 million), and increases the funds for Office of Justice Programs state and local law enforcement assistance by

Hinchey (D-NY). Prohibits funds in the Act from being used in violation of current law requiring that law enforcement officials first “knock and announce” their authority and purpose prior to entering a residence during the execution of a search warrant (18 U.S.C. 3109).

According to the sponsor, the recent 5-4 Supreme Court decision in *Hudson v. Michigan* ruled that evidence obtained in violation of the “knock and announce” rule may still be introduced in trial. The sponsor states that this “decision undermines the Fourth Amendment of the Constitution.”

Text of 18 U.S.C. 3109:

The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant.

Lipinski (D-IL) / Schiff (D-CA) / Davis (R-VA). Reduces by \$500,000 (from \$90.136 million to \$89.636 million) the funds in the Act for Department of Justice salaries and expenses; increases by \$500,000 (from \$0 to \$500,000) the funds in the Act for the Law Enforcement Tribute Act program (P.L. 107-273).

According to the sponsor, the “Law Enforcement Tribute Act is to provide one-time grants to help local and state governments complete permanent tributes that honor the men and women of law enforcement and public safety who have been killed or disabled in the line of duty.” This amendment would provide funds for a program that Congress has not seen fit to appropriate funds for since FY2003.

\$840,000 (from \$1,103,492,000 to \$1,104,332,000). According to the sponsor’s office, the funds are for the Safe Return Program. The Safe Return program is intended to help law enforcement quickly identify Alzheimer’s patients who have wandered away from home. Last year Safe Return was funded at \$840,000, and it is not currently funded in the underlying bill. In this case, the Appropriations Committee has attempted to defund inefficient and ineffective programs; however, this amendment would restore funding to this program.

Hinchey (D-NY). Prohibits funds from being used to prevent Alaska, California, Hawaii, Maine, Montana, Rhode Island, Nevada, Oregon, Vermont, or Washington from following state laws allowing the medical use of marijuana. 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.” A similar amendment was offered last year. The amendment failed by a vote of 161 – 264 (roll call 255) (<http://clerk.house.gov/evs/2005/roll255.xml>).