



Legislative Bulletin.....May 9, 2012

Contents:

Amendments to H.R. 5326 (Part V) —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, the 46 amendments pre-printed in the Congressional Record through today, May 8, 2012, and a summary of potential amendments RSC Staff have reviewed

Order of Business: Consideration on the amendments to H.R. 5326, the FY 2013 Commerce, Justice, Science, and Related Agencies Appropriations Act of 2013, began on Tuesday, May 8, 2012, and will consider 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

Chaffetz (R-UT)/Gosar (R-AZ)/Farenthold (R-TX). The amendment prohibits any funds from being made available for the Department of Justice to formulate statements or documents which contain any materially false, fictitious, or fraudulent information. In effect, this amendment would prohibit the funds from this bill from being used by the Department of Justice for lying. This amendment is being proposed in light of the ongoing Congressional investigation of Operation Fast and Furious.

Tierney (D-MA)/ Gowdy (R-SC). This amendment funds the John R. Justice Student Loan Repayment Program at last fiscal year’s \$10 million level. This program is a student loan repayment assistance program for prosecutors and public defenders. According to the amendment sponsors, statistics reported by the administering agencies in each state show that 1,647 prosecutors and 1,226 public defenders received assistance under the program’s Fiscal Year 2010 allocation of \$10 million. Under the program, attorneys can receive federal student loan repayments if they agree to remain employed for at least three years as state or local criminal prosecutors, or as state, local, or federal public defenders. The amendment is paid for by reducing \$10 million from NASA’s “Mars Next Decade” program.

Blackburn (R-TN). The amendment prevents any funds from being used to defend against any legal action brought against any provision included in Obamacare (P.L. 111-148) or the health-related provisions included in the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152). The [RSC Continuing Resolution for FY2011](#) included this same provision.

Duncan (R-SC). This amendment prohibits funds being appropriated by this bill from being used on behalf of the National Labor Relations Board in lawsuits against secret ballot union election laws in any State. Rep. Duncan has also introduced H.R. 1047 which contains similar prohibitions on federal spending from being used on NLRB lawsuits related to secret ballot union elections.

Garrett (R-NJ). The amendment prohibits the Department of Justice from entering into any future residential mortgage-backed security settlement agreement with state attorneys general and the banks that would take money away from private investors without their consent. Specifically, this amendment would not allow the DOJ to be a party to a single or multi-state court settlement where funds are removed from any residential mortgage-backed securitization trust. This amendment protects investors by ensuring that the DOJ will not interfere with private contract rights or the investor's right to due process before the government can take their property. According to the amendment's sponsor, the investors include state retirement systems, 401k plans, public and private pension plans, insurance company annuities, mutual funds and ERISA retirement plans. These investors represent the majority of Americans and even larger portion of retirees. Money was taken from them and given to the banks without their input or their consent. This amendment makes certain that any future settlement cannot be conducted in the same fashion it was last time.

Schweikert (R-AZ). This amendment creates a new section at the end of the bill prohibiting any appropriated funds to be used by the Department of Justice (DOJ) to bring any legal action against any state for implementing a state law requiring its voters to present a voter identification measure. Recently, the DOJ has moved to block Texas and South Carolina's voter ID legislation claiming these laws will have a racially discriminatory effect despite precedent for approving other states' voter ID laws, such as Georgia's, finding the Georgia law to be nondiscriminatory. According to the amendment sponsor, the court in the Georgia lawsuit specifically noted that after claiming that hundreds of thousands of African Americans would be unable to vote due to the law, the American Civil Liberties Union and the NAACP could not produce a single individual who would be unable to vote. Indeed, turnout of black voters in elections in Georgia and Indiana has increased significantly since their state's law went into effect—the exact opposite of critics' predictions.

Webster (R-FL). This amendment would prohibit funds in the bill from going toward conducting the American Community Survey, conducted by the Secretary of Commerce. Participation in this survey is mandatory, and those who refuse to respond to the survey entirely can be fined up to \$5,000. The American Community Survey has come under scrutiny from many conservatives recently, and the RSC Repeal Task Force highlighted a bill introduced by Rep. Poe [repealing mandatory participation](#) therein.

Flores (R-TX). This amendment prohibits any funds to be used to enforce Section 526 of the Energy Independence and Security Act of 2007. According to the sponsor, Section 526 of the Energy Independence and Security Act of 2007 was added [largely to stifle the Defense Department's plans to buy coal-based \(or "coal-to-liquids"\) jet fuels](#). This section has implications across the Federal Government and would prohibit the federal government from purchasing fuel derived not only from coal-to-liquids or gas-to-liquids, but also from more "conventional" unconventional sources like Canadian oil sands and Venezuelan heavy crude,

both of which are currently widely refined in America and impossible to separate from our current refined products stream.

Flores (R-TX). The amendment prohibits funding to be used to implement the National Ocean Policy developed under Executive Order 13547. According to the amendment's sponsor, this amendment will stop the Administration's efforts to potentially harm a large number of economic sectors, including agriculture, fishing (recreational and commercial), energy resource development, recreational boating, and tourism among others. The recently released draft National Ocean Policy Implementation Plan has yet to be finalized, but initially includes over 150 regulations spread out over 63 different federal agencies, offices, and partnerships to be implemented by the end of 2013. Our oceans and affiliated inland areas support more than 28 million American jobs and contribute to more than 80% of our domestic economy. The sponsor maintains that this amendment would protect oceans, coasts, the great lakes region and inland areas throughout the nation from an Obama Administration executive order.

SUMMARY OF AMENDMENTS PREPRINTED IN THE CONGRESSIONAL RECORD

Through May 8, 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. **Failed 99-311.**
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. **Failed 129-279.**
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. *Amendment withdrawn.*
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. **Passed 219-189.**
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. **Failed 165-246.**
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.

14. **Poe (R-TX).** The amendment would prohibit funds to enforce section 221(a) of title 13 of the United States Code, with respect to the American Community Survey (ACS). In other words, the amendment prohibits the Census Bureau from using funds to issue a fine for failure to fill out the American Community Survey. The sponsor states “The ACS wants to know everything from whether your home has a flush toilet to how much you spend on gas, electricity, and water. Then there are the personal questions: how many people do you live with? What kind of relationship do you have with them? What race are they? Where do you work and how do you get there?” “If they refuse to complete the survey, they can be subject to a fine up to \$5,000.”

15. **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.

Passed 238-173.

16. **Gowdy (R-SC).** The amendment requires that no funds be made available to be used to administer the survey, conducted by the Secretary of Commerce, commonly referred to as the “American Community Survey”. Participation in this survey is mandatory, and those who refuse to respond to the survey entirely can be fined up to \$5,000. The American Community Survey has come under scrutiny from many conservatives recently, and the RSC Repeal Task Force highlighted a bill introduced by Rep. Poe [repealing mandatory participation](#) therein.

17. **Clarke (D-NY).** The amendment increases the allocated amount for the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations by \$5.3 million. The amendment also reduces the amount to the National Institute of Standards and Technology by \$5.3 million. *Failed by a voice vote.*

18. **Walsh (R-IL).** The amendment prohibits funding for the State Criminal Alien Assistance Program to be used by any state or local government that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. In short, the amendment restricts funding for localities that continue to violate federal law by acting as “sanctuary cities” for illegal immigrants.
19. **McCotter (R-MI) and Peters (D-MI).** The amendment increases the amount allocated for obtaining insurance on official motor vehicles and rental of tie lines by \$9 million. The amendment also increases the amount for lease, charter, maintenance, and operation of mission and administrative aircraft by \$17 million. Lastly, the amendment increases the amount to remain available for the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts to \$1.79 million. *Failed 141-261.*
20. **Grimm (R-NY)/ Peter King (R-NY)/Barletta (R-PA).** This amendment reduces funding for climate research conducted through programs at the National Oceanic and Atmospheric Administration by \$18 million and increases funding for the Regional Information Sharing Systems Program (RISS). Congress established the RISS over 30 years ago to provide a nationwide resource for law enforcement to share criminal and intelligence information. The base text provides for \$27 million in funding—a 40 percent reduction compared to past years according to the amendment sponsors. *Passed 209-199.*
21. **Cicilline (D-RI).** This amendment clarifies that regional innovation clusters and science and research parks (established in 15 USC section 3722) are Economic Development Administration (EDA) grants funding in the bill. *Passed by voice.*
22. **Hanabusa (D-HI).** This amendment increases funding by \$1.6 million Marine Debris Programs while also decreasing the same funding amount from the DOJ’s Bureau of Alcohol, Tobacco, Firearms Salaries and Expenses. *Passed by voice.*
23. **Black (R-TN).** Same amendment as amendment number 15, which passed 238-173.
24. **Huelskamp (R-KS).** This amendment prevents any funds to be used in contravention of the Defense of Marriage Act (DOMA, P.L. 104-199). According to the amendment’s sponsor, it prohibits funding from being spent to undo DOMA, particularly by the DOJ.
25. **Huelskamp (R-KS).** This amendment prevents any funds to be used to oppose the Defense of Marriage Act (DOMA, P.L. 104-199) in any court of law.
26. **Denham (R-CA).** This amendment prohibits funds to implement a section of the March 30, 2009, Omnibus Public Land Management Act of 2009—the reintroduction of the California Central Valley Spring Run Chinook Salmon into the San Joaquin River below Friant Dam as provided in Section 10011(b).
27. **Denham (R-CA).** This amendment prohibits funds from being used by US Attorneys, US Marshalls, or the DOJ to carry out activities at the newly constructed Federal courthouse in Los Angeles, California. The GSA intends to award a contract for this new courthouse, with 24 district courtrooms and 32 judicial chambers at a size of 600,000 gross square feet. This is a roughly \$400-million project that Rep. Denham has called “unnecessary” and a “perfect example of runaway government spending.” Furthermore,

“Four hundred million dollars of taxpayer money is about to be wasted on a project that is not needed to house judges that do not exist.”

28. **Engel (D-NY)**. This amendment prohibits funds to purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory.
29. **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. **Failed 96-314**.
30. **Jones (R-NC)**. This amendment prohibits the National Oceanic and Atmospheric Administration for using these funds for magicians or comedians. Read relevant article [here](#).
31. **Jones (R-NC)**. This amendment prohibits funds being used to develop or approve a new limited access privilege [program](#) for a fishery under the jurisdiction of the South Atlantic, Mid-Atlantic, New England, or Gulf of Mexico Fishery Management Council. The limited access programs are where federal permits are issued to harvest a quantity of fish representing a portion of the TAC. The term, limited access privilege program, has recently been used in place of the terms, Individual Fishing Quota and Individual Transferable Quota, since this new term encompasses both individuals and communities who may be eligible to receive an allocation of a portion of the TAC or commercial quota.
32. **Gardner (R-CO)**. The amendment requires that no funds be made available to be used to pay the salary of any officer or employee of the Department of Commerce who uses amounts in the Fisheries Enforcement Asset Forfeiture Fund of the National Oceanic and Atmospheric Administration (NOAA) that consists of the sums described in section 311(e)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(e)(1)) for any purpose other than a purpose specifically authorized under that section. According to the amendment's sponsor, the money in NOAA's Asset Forfeiture Fund may only be used for express purposes laid out in the law such as, paying costs associated with providing any temporary storage of property seized during a civil or criminal proceeding, paying off valid liens or mortgages against forfeited property, or reimbursement to any agency that assisted NOAA in enforcing the law. Two reports from the Inspector General have uncovered broad mismanagement of the asset forfeiture fund and revealed several weaknesses in NOAA's internal control over the fund. It has been discovered that NOAA's Seattle office purchased a 35-foot, \$300,000 boat with funds from the asset forfeiture fund.
33. **Gardner (R-CO)**. The amendment requires that no funds be made available to be used to deduct from the pay of Federal employees amounts for the payment of dues for a labor organization.
34. **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. **Failed 199-211.**

35. **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. **Failed by 122-289.**
36. **Chaffetz (R-UT).** This amendment prohibits funds from being made available for the Department of Justice to enforce public accommodations for miniature horses working as service animals. According to the amendment's sponsor, despite the difficulty (some would say impossibility) of housebreaking a horse, the Obama Justice Department has ruled that "service" horses – miniature horses used to accompany people with disabilities – are no different than guide dogs under the Americans with Disabilities Act (ADA). As a result, shops, restaurants, hotels and even airlines can now be sued if they do not accommodate horses.
37. **Duncan (R-SC).** This amendment prohibits funding in this bill from being used on the Department of Justice (DOJ) lawsuit against immigration laws in South Carolina. It also prohibits the funds appropriated by this bill from being used by any other federal agency litigating similar cases against South Carolina. One current lawsuit to which funding would be prohibited is *United States of America v. The State of South Carolina and Nikki Haley* (Civil Action No. 2:11-cv-02958-RGM). According to the amendment's sponsor, the DOJ filed a lawsuit (the third recently filed lawsuit) against the State of South Carolina over a recently-passed state law intended to step up law enforcement efforts against illegal immigrants. the amendment refuses to allow the Obama Administration to politicize the immigration issue instead of govern responsibly.

38. **Duncan (R-SC).** This amendment prohibits funds being appropriated by this bill from being used on behalf of the National Labor Relations Board in lawsuits against secret ballot union election laws in any State. Rep. Duncan has also introduced H.R. 1047 which contains similar prohibitions on federal spending from being used on NLRB lawsuits related to secret ballot union elections.
39. **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. *Passed 220-191.*
40. **Scalise (R-LA).** This amendment prohibits any funds to be used to implement, administer, or enforce the Equal Opportunity Commission (EEOC) Enforcement Guidance Number 915.002 concerning “Consideration of arrest and conviction records in employment decisions.” The amendment blocks the EEOC “guidance” preventing employers from taking into account arrest and conviction records of potential job applicants. For more information on why many conservatives would argue that this is a good amendment, please see this National Review [article](#). It is RSC Staff’s understanding that the amendment will be offered by Representatives Quayle (R-AZ), Woodall (R-GA), Scalise (R-LA), and Stearns (R-FL).
41. **Wilson (D-FL).** The amendment requires that no funds be made available by title II of this Act shall be available to any State that has in effect laws or policies that provide immunity from criminal prosecution or civil action, rather than making a defense available, to an individual who was a participant in an event involving the use of lethal force.
42. **Lankford (R-OK).** The amendment requires that no funds be made available to be used to administer the survey, conducted by the Secretary of Commerce, commonly referred to as the “American Community Survey”. Participation in this survey is mandatory, and those who refuse to respond to the survey entirely can be fined up to \$5,000. The American Community Survey has come under scrutiny from many conservatives recently, and the RSC Repeal Task Force highlighted a bill introduced by Rep. Poe [repealing mandatory participation](#) therein.
43. **Schweikert (R-AZ).** This amendment creates a new section at the end of the bill prohibiting any appropriated funds to be used by the Department of Justice (DOJ) to bring any legal action against any state for implementing a state law requiring its voters to present an voter identification measure. Recently, the DOJ has moved to block Texas and South Carolina’s voter ID legislation claiming these laws will have a racially discriminatory effect despite precedent for approving other states’ voter ID laws, such as Georgia’s, finding the Georgia law to be nondiscriminatory. According to the amendment sponsor, the court in the Georgia lawsuit specifically noted that after claiming that hundreds of thousands of African Americans would be unable to vote due to the law, the American Civil Liberties Union and the NAACP could not produce a single individual who would be unable to vote. Indeed, turnout of black voters in

elections in Georgia and Indiana has increased significantly since their state's law went into effect—the exact opposite of critics' predictions.

44. **Jackson Lee (D-TX):** The amendment decreases funding for the salaries and expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives by \$34,000,000 and increases funding for the Office of Justice Programs--State and Local Law Enforcement Assistance. *Amendment Withdrawn.*
45. **Jackson Lee (D-TX):** The amendment contains several findings, including:
- “the need for strong federal enforcement has increased in recent years with the disproportionate targeting of minorities for subprime mortgages and other discriminatory practices; and
 - “the Civil Rights Division has a duty to representing the Attorney General in these types of lawsuits, and to enforce the federal voting rights statutes that are aimed at guaranteeing American voters the opportunity to participate equally in fair and open elections free from discrimination.”
 - The amendment also resolves that it is the sense of Congress that “the Department of Justice, General Legal Services, under which the Division of Civil Liberties is funded should be funded at FY 10 levels.”
- This amendment is likely subject to a point of order.*
46. **Webster (R-FL).** This amendment would prohibit funds in the bill from going toward conducting the American Community Survey, conducted by the Secretary of Commerce. Participation in this survey is mandatory, and those who refuse to respond to the survey entirely can be fined up to \$5,000. The American Community Survey has come under scrutiny from many conservatives recently, and the RSC Repeal Task Force highlighted a bill introduced by Rep. Poe [repealing mandatory participation](#) therein.

SUMMARY OF POTENTIAL AMENDMENTS *NOT PREPRINTED* IN THE CONGRESSIONAL RECORD FROM MEMBER DEAR COLLEAGUES/MEMBER SUMMARIES

Blackburn (R-TN). The amendment would reduce each account in the legislation by 5%. This would not affect accounts in which the amount is specifically required by law.

Blackburn (R-TN). The amendment would reduce each account in the legislation by 10%. This would not affect accounts in which the amount is specifically required by law.

Blackburn (R-TN). The amendment prevents any funds from being used to defend against any legal action brought against any provision included in Obamacare (P.L. 111-148) or the health-related provisions included in the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152). The [RSC Continuing Resolution for FY2011](#) included this same provision.

Broun (R-GA)/Jones (R-NC)/Landry (R-LA). The Amendment would prohibit funds appropriated by this bill from being used by the National Oceanic and Atmospheric Administration for comedians, magicians, clowns, mind readers, or mimes. This amendment was

introduced in light of the recent GSA scandal involving government waste. Some conservatives would see such spending, were it to occur, as wasteful.

Broun (R-GA). The Amendment would prohibit funds appropriated by this bill from being used for section 7026 of the 2007 America COMPETES Act, which established a research pilot program entitled the ‘Partnerships for Access to Laboratory Science.’ The purpose of this program was to provide secondary schools with additional science and lab equipment. The National Science Foundation has not pursued establishing this program, but in 2010 the sunset was removed and the NSF received an extension in the opportunity to begin the program. The program therefore can exist indefinitely under current law, even though it has not been started. Some conservatives consider appropriations for this program, which the NSF has yet to actually begin, as constituting wasteful spending.

Broun (R-GA). The Amendment would cap the amount of funds appropriated by this bill being spent by the National Science Foundation’s Innovation Corps at \$5 million. This is the original funding level at which the program was started in 2011, whereas the NSF requested \$19 million this year. The program funds innovative scientific research, but some conservatives may be concerned that in effect it allows bureaucrats to drive innovation by allotting money to some projects over others, and with the increase in what some deem to be unnecessary or inefficient expenditures.

Broun (R-GA). The amendment prohibits funds for the United States Patent and Trademark Office to develop educational materials for use in K-12 schools, highlighting the accomplishments of inventors, and the advances realized as a result of inventions.

Broun (R-GA). The amendment prohibits funds to be used to carry out or enforce Section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c).

Chaffetz (R-UT). The amendment prohibits any funds from being made available for the Department of Justice to formulate statements or documents which contain any materially false, fictitious, or fraudulent information. In effect, this amendment would prohibit the funds from this bill from being used by the Department of Justice for lying. This amendment is being proposed in light of the ongoing Congressional investigation of Operation Fast and Furious.

Flake (R-AZ). The amendment prohibits funding to be used to carry out the functions of the Political Science Program in the Division of Social and Economic Sciences of the Directorate for Social, Behavioral, and Economic Sciences of the National Science Foundation. Many conservatives believe that universities should pursue activities funded by this program on their own initiative. A similar amendment offered by Senator Tom Coburn (R-OK) to the FY2010 CJS Appropriations bill failed by a vote of 36-62.

Flake (R-AZ). The amendment eliminates funding for SelectUSA, and transfers \$6.125 million to the spending reduction account for deficit reduction purposes. President Obama created this initiative last June by Executive Order 13577 with its purpose to showcase the United States as the world’s premier business location and to provide easy access to federal grant programs and services related to business investment. According to the sponsor, SelectUSA is the first-ever federal effort to help attract business investment. Many conservatives believe this program is duplicative and serves a purpose that should be furthered by the private sector.

Flores (R-TX). The amendment prohibits funding to be used to implement the National Ocean Policy developed under Executive Order 13547. According to the amendment’s sponsor, this

amendment will stop the Administration's efforts to potentially harm a large number of economic sectors, including agriculture, fishing (recreational and commercial), energy resource development, recreational boating, and tourism among others. The recently released draft National Ocean Policy Implementation Plan has yet to be finalized, but initially includes over 150 regulations spread out over 63 different federal agencies, offices, and partnerships to be implemented by the end of 2013. Our oceans and affiliated inland areas support more than 28 million American jobs and contribute to more than 80% of our domestic economy. The sponsor maintains that this amendment would protect oceans, coasts, the great lakes region and inland areas throughout the nation from an Obama Administration executive order.

Flores (R-TX). This amendment prohibits any funds to be used to enforce Section 526 of the Energy Independence and Security Act of 2007. According to the sponsor, Section 526 of the Energy Independence and Security Act of 2007 was added [largely to stifle the Defense Department's plans to buy coal-based \(or "coal-to-liquids"\) jet fuels](#). This section has implications across the Federal Government and would prohibit the federal government from purchasing fuel derived not only from coal-to-liquids or gas-to-liquids, but also from more "conventional" unconventional sources like Canadian oil sands and Venezuelan heavy crude, both of which are currently widely refined in America and impossible to separate from our current refined products stream.

Garrett (R-NJ). The amendment prohibits the Department of Justice from entering into any future residential mortgage-backed security settlement agreement with state attorneys general and the banks that would take money away from private investors without their consent. Specifically, this amendment would not allow the DOJ to be a party to a single or multi-state court settlement where funds are removed from any residential mortgage-backed securitization trust. This amendment protects investors by ensuring that the DOJ will not interfere with private contract rights or the investor's right to due process before the government can take their property. According to the amendment's sponsor, the investors include state retirement systems, 401k plans, public and private pension plans, insurance company annuities, mutual funds and ERISA retirement plans. These investors represent the majority of Americans and even larger portion of retirees. Money was taken from them and given to the banks without their input or their consent. This amendment makes certain that any future settlement cannot be conducted in the same fashion it was last time.

Gowdy (R-SC)/Tierney (D-MA). This amendment funds the John R. Justice Student Loan Repayment Program at last fiscal year's \$10 million level. This program is a student loan repayment assistance program for prosecutors and public defenders. According to the amendment sponsors, statistics reported by the administering agencies in each state show that 1,647 prosecutors and 1,226 public defenders received assistance under the program's Fiscal Year 2010 allocation of \$10 million. Under the program, attorneys can receive federal student loan repayments if they agree to remain employed for at least three years as state or local criminal prosecutors, or as state, local, or federal public defenders. The amendment is paid for by reducing \$10 million from NASA's "Mars Next Decade" program.

King (R-IA). The amendment would prohibit funds to enforce section 221 of title 13 of the United States Code, which is the American Community Survey. The sponsor states "While it is true that accurate demographic data is important in drawing up congressional districts and serving citizens, the United States government has no right to ask such invasive questions at the risk of criminal sanction. Further, this amendment doesn't prevent the government from collecting data, it only assures reasonable citizens that they don't have to answer inappropriate and invasive questions"

Landry (R-LA). The amendment prevents the Administration from utilizing the recess appointment process to appoint any individual to a position which was vacated or was vacant during the Senate session. According to the amendment's sponsor, the amendment upholds the Founder's intent of providing for the continuity of government during Senate recesses while prohibiting the Administration from exploiting the recess appointment process to appoint individuals whose views are not supported by the vast majority of Americans. This amendment is identical to the amendment number 672 to [H.R. 2354](#), which passed the House last year by a vote of 227-193.

Landry (R-LA): The amendment would prohibit funding to be used to implement a proposed rule for turtle excluder devices (TEDs). The rule was described in the Southeast Fishery Bulletin published by the National Oceanic and Atmospheric Administration on May 8, 2012. According to the sponsor "NOAA recently issued a proposed rulemaking expanding the type of fishing equipment turtle excluders are required on. Everyone in the fisheries industry wants to protect our turtle populations; however, our efforts to do so must be economically feasible and based on sound science. There is little scientific evidence that the increase in turtle deaths was caused by fishing nets, and even less evidence that the recent expansion of NOAA's TEDs requirement will make meaningful improvements in turtle populations. What we do know is that this new requirement will cause severe financial harm to fisherman and coastal communities."

Landry (R-LA): The amendment would prohibit funding to be used to implement the requirement for fishing vessels in a fishery (that is under the jurisdiction of the Gulf of Mexico Fishery Management Council) to carry onboard an observer under sections 222 and 223 of title, 40 Code of Federal Regulations. The following information is provided by the sponsor: Since 2004, the National Marine Fisheries Service has implemented a voluntary program to observe the practices of the Gulf of Mexico fishing industry. Under this program, NOAA placed government observers on fishing vessels which could accommodate an extra person. Smaller vessels that could not accommodate this observer were not asked to participate. NOAA has now chosen to undo the voluntary nature of this program and is placing these observers onto all sizes of fishing vessels. This adds another person to already overcrowded and dangerous fishing decks and forces boat owners to leave men at the dock.

Lee (D-CA) and Pascrell (D-NJ) The Amendment would increase funding for the Community Oriented Policing Services (COPS) Hiring Program. This program provides grants to hire and/or rehire career law enforcement officials. This amendment would increase the FY 2013 level by \$126 million, from its currently proposed \$40 million to \$166 million. ***Amendment Withdrawn.***

Stearns (R-FL). The amendment prohibits any funding to the National Telecommunications and Information Administration (NTIA) to delay prioritization of the 1755-1780 MHz band in its consideration of processes to make the 1755-1850MHz band available for commercial wireless broadband.

Amendments already voted on and not included in this Legislative Bulletin have been described in previous Amendment Legislative Bulletins