



Legislative Bulletin.....June 15, 2005

Contents:

**Additional Amendments to the Science, State, Justice, and Commerce
Appropriations Act for FY 2006 (H.R. 2862) (Part V)**

Flake (R-AZ): Regarding educational cultural exchanges. According to the sponsor, this amendment will not be offered.

Flake (R-AZ): Prohibits funds to be used to “implement, administer, or enforce the amendments made to section 740.12 of title 15, Code of Federal Regulations (relating to license exemptions for gift parcels and humanitarian donations for Cuba), as published in the Federal Register on June 22, 2004 (69 Fed. Reg. 34565–34567).”

According to the sponsor, this amendment would “prevent funding in the bill from being used to enforce regulations that prohibit the sending of gift parcels to Cuba that contain clothing, personal hygiene items, seeds, veterinary medicines and supplies, fishing equipment and supplies, and soap-making equipment.”

There was a similar amendment offered by Rep. Flake on CJS last year, which passed 221-194. For more information, please visit: <http://www.congress.gov/cgi-lis/bdquery/z?d108:HZ00647:>

Current regulations that would not be allowed to be enforced:

TITLE 15--COMMERCE AND FOREIGN TRADE
CHAPTER VII--BUREAU OF INDUSTRY AND SECURITY, DEPARTMENT OF COMMERCE
PART 740_LICENSE EXCEPTIONS--Table of Contents
Sec. 740.12 Gift parcels and humanitarian donations (GFT).

(B) Eligible commodities. The commodity must be of a type and in quantities normally given as gifts between individuals. In addition, eligible commodities are as follows:

(1) For Cuba, the only eligible commodities are food (including vitamins), medicines, medical supplies and devices (including hospital supplies and equipment and equipment for the handicapped), receive-only radio equipment for reception of commercial/civil AM/FM and short wave publicly available frequency bands, and batteries for such equipment.

(2) For all other destinations, eligible commodities include all items described in paragraph (a)(2)(i)(B)(1) of this section, clothing, personal hygiene items, seeds, veterinary medicines and supplies, fishing equipment and supplies, and soap-making equipment; as well as all other items normally sent as gifts. Gold bullion, gold tael, and gold bars are prohibited as are items intended for resale or reexport.

Jackson-Lee (D-TX): Text of the amendment is not available. According to reports, the amendment, “would restrict funds for state and local law enforcement Byrne grant recipients that

do not report or make publicly known the racial distribution of convictions made as a result of their activity.”

Jackson-Lee (D-TX): Text of the amendment is not available. According to reports, the amendment, “would restrict funds for Board of Immigration appeals affirmances that lack an accompanying opinion.”

Moran (D-VA) #8: Prohibits funds from being used “to pay administrative expenses or compensate an officer or employee of the United States in connection with licensing the export of a non-automatic or semiautomatic rifle capable of firing a center-fire cartridge in 50 caliber, .50 BMG caliber, any other variant of 50 caliber, or any metric equivalent of such calibers.”

According to the sponsor, “The 50 Caliber is a favorite weapon of war lords, drug cartels and terrorists due to its unparalleled potential for damage. It has even been reported that al Qaeda, the Irish Republican Army and the Kosovo Liberation Army have purchased a number of these guns in the U.S. in recent years and shipped them overseas.” The sponsor also states, “the amendment would prohibit the export of 50 caliber sniper rifles.”

Otter (R-ID): Text of the amendment is not available. According to the sponsor, this amendment would impose limits on the government’s authority to do sneak and peek searches under Section 213 of the USA PATRIOT Act.

King (R-IA): Increases by \$1 million the funds made available for enforcing “subsections (a) and (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373);” decreases by \$1 million the funds made available for the Department of Justice’s legal activities and salaries and expenses.

8 U.S.C. 1373:

(a) 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.

(b) Additional authority of government entities Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

Schiff (R-CA): Prohibits funds made available for DNA analysis to be used for “a grant to a State that does not have in effect policies and procedures to ensure that the State collects DNA from every felon convicted in the courts of the State.”

According to the sponsor, the amendment “prohibits the use of funds in the bill for grants to states that do not have in effect policies and procedures to ensure that the state collects DNA from every felon convicted in the state.”

Additionally, the sponsor states, “In 2002, only 23 states had enacted legislation requiring DNA from all convicted felons. Since then, 42 states have passed laws to require DNA from all convicted felons. It’s time to encourage those remaining 8 states to come on board (Idaho, Kentucky, Maine, Nebraska, Nevada, New Hampshire, New York, Vermont).”

Jackson-Lee (D-TX): Text of the amendment is not available. According to reports, the amendment, “would fund NASA Exploration Capabilities for an additional \$50.1 million, to be offset by funds to be taken from the Securities & Exchange Commission.”

Jones (R-NC): According to the sponsor, this amendment will not be offered.

Moore (D-WI): Text of the amendment is not available. According to the sponsor, this amendment “would provide \$30 million in debenture guarantees and \$5 million for operational assistance grants for the SBA’s New Market Venture Capital (NMVC) program. The increase is offset by the SBA salaries and expenses account.”

Weiner (D-NY): Increases by \$147,053,848 the funds made available for the COPS program; reduces by \$147,053,848 the funds made available for the National Science Foundation research and related activities.

Hayworth (R-AZ): Reduces by \$218 million (from \$1,166,212,000 to \$948,000,000) the funds made available for “annual obligations of membership in international multilateral organizations” [such as the United Nations].

According to the sponsor, “the U.N. Regular Budget is nearly \$2 billion per year and of that amount the U.S. regularly contributes 22 percent. The underlying bill earmarks \$440 million for next year’s U.N. budget. Even after a \$218 million reduction in dues, the U.S. will be the second largest contributor to the U.N. budget and the largest contributor to all other U.N. programs including peacekeeping missions, voluntary programs, and membership organizations.” The sponsor notes that this amendment would reduce U.S. contributions to the U.N. Regular Budget by 50 percent.

McDermott (D-WA): Prohibits funds to be used “to prosecute any individual for travel to Cuba (including travel for the purpose of visiting a member of the immediate family of such individual).

According to the sponsor, “the amendment is a limitation amendment prohibiting the Justice Department from prosecuting Americans who travel to Cuba. Although Justice has never taken a case to court, they have the legal authority to do so and the Administration has been inching in that direction over the years. Recently, the Justice Department even started lending their judges to OFAC (who enforces the regulations) for the purpose of conducting administrative hearings.”

Reyes (D-TX): The amendment states: “Congress 1) urges the President and Secretary of State to incorporate the investigative and preventative efforts of the Government of Mexico in the bilateral agenda between the Governments of Mexico and the United States and to continue to express concern to the Government of Mexico over the abductions and murders of more than 370 young women since 1993 in the Mexican cities of Ciudad Juarez and Chihuahua; and 2) supports efforts to identify unknown victims through forensic analysis, including DNA testing, conducted by independent, impartial experts who are sensitive to the special needs and concerns of the victims’ families, as well as efforts to make these services available to any families who have doubts about the results of prior forensic testing.”

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