



Legislative Bulletin.....March 21, 2013

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Senate Amendment to H.R. 933 – Department of Defense, Military Construction and Veterans Affairs, and Full-Year Continuing Appropriations Act, 2013

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Order of Business: The bill is scheduled to be considered on Thursday, March 20, under a unanimous consent agreement.

Summary: The Senate Amendment to H.R. 933 added three spending bills to the package – Agriculture, Commerce-Justice-Science, and Homeland Security – and did not increase the overall level of budget authority provided. The table below outlines the CBO scored non-emergency discretionary funding levels in the House version, the final Senate Amendment, and the differences between the two (all numbers in billions of dollars):

	House Regular Appropriations	Senate Regular Appropriations	Senate Changes
Agriculture	20,247	20,531	284
Commerce, Justice, Science	50,434	50,210	-224
Defense	517,592	517,632	40
Energy and Water	36,829	36,744	-85
Financial Services	21,226	21,453	227
Homeland Security	39,656	39,606	-50
Interior	30,606	29,827	-779
Labor, HHS, Education	156,708	156,872	164
Legislative Branch	4,299	4,284	-15
Military Construction, VA	71,878	71,930	52
State, Foreign Operations	42,093	42,093	0
Transportation, HUD	51,432	51,817	385
Sub Total	1,043,000	1,042,999	-1
Less Sequestration	-59,000	-59,000	0
Total	984,000	983,999	-1

Provisions of Note

Division A – Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

- The legislation appropriates \$1.074 billion for the Agricultural Research Service. This legislation contains limitations on the modernization or replacement of existing facilities. However the legislation exempts facilities at Beltsville, Maryland from these limitations. The headquarters of USDA’s Agricultural Research Service are located in Beltsville. More details are [linked here](#).
- The legislation appropriates \$77.290 billion for the Supplemental Nutrition Assistance Program (SNAP). Total costs of this program in FY 2012 were [\\$78,422,770,000](#).

Division B – Commerce, Justice, Science, and Related Agencies.

Title I - Department of Commerce

- Economic Development Administration: The legislation appropriates \$221 million for the Economic Development Administration.
- National Oceanic and Atmospheric Administration: The bill provides \$5 billion for NOAA.

Title II – Justice:

- Requires that each United States Attorney shall establish or participate in a United States Attorney-led task force on human trafficking.
- Prohibits any funding to implement any amendments that prevent the importation of firearms “curios or relics,” alter the current regulatory definition of “curios or relics,” or remove any firearm [included](#) in the list of “curios or relics” as of January 1, 1994. These are currently defined as such firearms of special interest to collectors by reason of some quality other than those interests that are associated with firearms intended for sporting use or as offensive or defensive weapons. Curios or relics are firearms which hold special value to collectors because of their manufacture date being more than 50 years prior, certification by a government agency as a historic firearm, or their novelty in association with some historic figure, period or event.
- Prohibits any funding for the Attorney General to investigate or act upon an application for relief of federal laws for individuals who are prohibited from possessing, shipping, transporting, or receiving firearms. Under current law, the Attorney General is permitted to grant relief if it can be established that the prohibited individual’s record and reputation indicate that he or she is not likely to act in a manner dangerous to public safety or contrary to the public interest.
- Prohibits any funding to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) to other agencies or departments.
- Prohibits any funding this year or in any fiscal year for the BATF to require federally-licensed gun dealers to conduct annual inventories to confirm lost or stolen guns.

- Prohibits any funding this year or in any fiscal year for the BATF to deny the renewal of a federally-licensed gun dealer due to a lack of business activity if an applicant is otherwise eligible to receive such a license.
- Appropriates \$5 million for “competitive and evidence-based programs to reduce gun crime and gang violence.”
- Increases funding for the Community Oriented Policing Services (COPS) by \$24 million to \$218 million.
- Limits the Department of Justice official reception and representation expenses to \$50,000.
- Prohibits funding for abortion except where the life of the mother is endangered or in the case of rape. Also, prohibits funds from requiring any person to perform or facilitate an abortion. However, the Director of the Bureau of Prisons is obligated to provide escort services necessary for a female inmate to receive an abortion outside the Federal facility, and funds are not restricted for this activity.
- Prohibits any funding by federal prisons for the purchase of cable television, audiovisual, electronic media, or equipment used primarily for recreational purposes. Inmate training, religious, or educational programs are exempted from this prohibition.
- Prohibits the use of funds by federal law enforcement agents to facilitate the transfer of firearms to known or suspected drug cartel members, unless the firearm is continuously monitored at all times by U.S. law enforcement.
- Funds the Legal Services Corporation (LSC) at \$358 million (increased from \$348 million in FY2012). The [RSC FY2014 Budget](#) (pg.11) proposes to eliminate the LSC, as have proposals highlighted by the RSC’s Repeal Task Force and Sunset Caucus. The Sandy Supplemental appropriations bill, which passed the House in January and was signed into law, ([H.R. 152](#)) provided \$1 million for the LSC.

Title V – General Provisions

- Prohibits the Department of Justice from using funds that may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs receiving such funds.
- Prohibits the use of funds in any way to support or justify the use of torture.
- Prohibits the use of funds to purchase first class or premium airline travel.
- Prohibits the use of funds for the transfer or release into the United States of Khalid Sheikh Mohammed or any other Guantanamo detainee.
- Prohibits the use of funds to construct or otherwise modify any facility in the United States for the purposes of holding in Department of Defense custody a Guantanamo detainee.
- Prohibits funding for the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries.
- Prohibits the use of funds to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

Division C – Department of Defense Appropriations Act, 2013.

- The base text of the Senate amendment makes no major changes to this Division. Two amendments to the base text described below passed the Senate:

- an amendment offered by Senator John McCain (R-AZ) strikes two sections (Sections 8039 and 8104) of the base bill authorizing the DoD Office of Economic Adjustment to provide approximately \$140 million of grants for potential realignment of US forces in the island territory of Guam; and
- an amendment offered by Senators Jim Inhofe (R-OK) and Kay Hagan (D-NC) directs the Secretaries of the military departments to reverse any decision they may have made to cancel the Tuition Assistance Programs they administer. As a consequence of the sequester, all the services except the Navy have announced the cancelation of their Tuition Assistance Programs for the rest of this year. Tuition Assistance Programs are generally [paid](#) for by the services out of their Operation and Maintenance Accounts, under a Budget Activity of Training and Recruiting.

Division D—Department of Homeland Security Act, 2013.

- Provides for 21,370 Border Patrol Agents and 21,775 officers for ports of entry, which sustains the levels support.
- Provides \$117 million less than FY2012 for U.S. Immigration and Customs Enforcement (\$5.7 billion) with \$2.75 billion dedicated for detention and removal operations (a \$2.7 million increase). It maintains the House provision requiring 34,000 detention beds. Yesterday, the full [House Judiciary Committee](#) questioned ICE Director John Morton over the release of thousands of criminal and illegal immigrants in light of sequestration.
- Provides for \$111 million for the E-Verify program.
- Prohibits the use of funds by U.S. Immigration and Customs Enforcement to grant immigration benefits unless background checks are completed first.
- Requires any new Department of Homeland Security (DHS) hire to first be verified by the E-Verify program, however the bill allows for the Transportation Security Administration (TSA) Administrator to certify non-participation if it is determined that an airport does not need to comply.
- Prohibits the use of funds for the planning, testing, piloting or development of a national identification card.
- Prohibits the transfer or release into the United States of Khalid Sheikh Mohammed or any other Guantanamo detainee.
- Requires that airport screening procedures take into consideration privacy and civil liberty interests of those being screened.
- Prohibits the use of funds for the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries.
- Permits for the forgiveness of Special Community Disaster Loans made after Hurricane Katrina. No additional funds are made available, however, the Congressional Budget Office scores this as a \$13 million cost.
- Prohibits funding for the creation of the National Preparedness Grant Program, unless explicitly authorized by Congress.

Division E—Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2013.

- The base text of the Senate amendment makes no major changes to this Division. Analysis of this section may be found [here](#).

Division F—Further Continuing Appropriations Act, 2013.

- Division F makes across-the-board rescissions to certain appropriations in the legislation. Accounts within the Department of Interior will receive a 0.16% across-the-board rescission. Accounts with the Departments of Labor, Health and Human Services, and Education will receive a 0.186% across-the-board rescission.
- The legislation also allows appropriations to be obligated and spent notwithstanding multiple provisions of U.S. Code that prohibit obligation and expenditure of an appropriation that is unauthorized or exceeds the authorized amount. These include (1) 22 U.S.C. 2412, regarding foreign assistance; (2) 22 U.S.C. 2680, regarding the State Department; and (3) 22 U.S.C. 6212, regarding the Board for International Broadcasting.
- The legislation extends the federal employee pay freeze until December 31, 2013. The current pay freeze is set to expire on March 27, 2013.
- The legislation reduces funding for the Army Corps of Engineers Construction account by \$20,000,000. It also reduces funding for the Dwight D. Eisenhower Memorial Commission, Capitol Construction to \$0. However, the Dwight D. Eisenhower Memorial Commission will receive \$1,050,000 in salaries and expenses.
- The legislation provides a death gratuity for Mrs. Irene Hirano Inouye, the widow of the late Senator Daniel K. Inouye. She will receive \$193,400 from the legislation. In the 112th Congress, Rep. Posey introduced H.R. 3127 to eliminate the death gratuity for Members of Congress. This legislation was highlighted by the RSC Sunset Caucus [here](#).

Title V—Labor, Health and Human Services, and Education, and Related Agencies

- Permits the Office of Jobs Corp to transfer up to \$30 million in unobligated funds for operations for program years 2012 and 2013.
- Increases funding for the Head Start program by \$33.5 million.
- Increases funding for HHS' Public Health and Social Services Emergency Fund by \$17 million.
- Provides \$3 million for the Project School Emergency Response to Violence program to provide services to local educational agencies and institutions of higher education in which the learning environment has been disrupted due to a violent or traumatic crisis.
- Rescinds \$200 million from an Obamacare program called the Community Based Care Transitions Program (section 2036 of P.L. 111-148).
- Rescinds \$10 million from Obamacare's Independent Payment Advisory Board.

Conservative Concerns/Support: See analysis of House passed bill [here](#).

Administration Position: The Administration [supports](#) passage of the Senate Amendment to H.R. 933.

Cost to Taxpayers: The total FY 2013 cost of discretionary spending in H.R. 933 after sequester is \$1.128 trillion (this includes regular, disaster, and emergency appropriations).

Outside Organizations: At the time of this release, no outside organizations have issued statements.

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