

**Congress of the United States**  
**Washington, DC 20515**

December 7, 2015

The Honorable Paul D. Ryan  
Speaker, U.S. House of Representatives  
H-232, The Capitol  
Washington, D.C. 20515

The Honorable Kevin McCarthy  
Majority Leader, U.S. House of Representatives  
H-107, The Capitol  
Washington, D.C. 20515

Dear Speaker Ryan and Leader McCarthy,

The Justice Department (DOJ) is subverting Congress's appropriations power. A House-passed funding restriction stops it. We urge you to protect this measure in the Omnibus.

A yearlong investigation by the House Judiciary and Financial Services Committees revealed that DOJ is requiring settling defendants to donate money to activist groups (*e.g.*, La Raza, NeighborWorks). Donations can earn up to double credit against defendants' overall payment obligations while credit for direct relief to consumers is merely dollar-for-dollar.

DOJ has funneled activist groups as much as half-a-billion dollars in just the last 16 months. These payments occur entirely outside of the Congressional appropriations and grant oversight process. In some cases, the DOJ-required mandatory donations restore funding that Congress specifically cut. What is more, documents show that the activist groups that stood to gain from these mandatory donations lobbied DOJ to include them.

The House followed-up on the oversight with action. Sec. 547 of the 2016 Commerce, Justice, Science Appropriations Act [H.R.2578] bars mandatory donations in DOJ settlements. The Amendment passed by voice vote. The provision ensures that settlement money goes either directly to victims or to the Treasury for elected representatives to decide how it is spent.

It is critical that we act. DOJ is ignoring Congress's concerns -- increasing the use of third-party payments, even as we object.

The purpose of DOJ enforcement actions should be punishment and redress to actual victims. Carrying that concept to communities at large or activist community groups, however worthy, is a matter for the Legislative branch and is not to be conducted at the unilateral discretion of the Executive.

This is fundamentally a bipartisan, Institutional issue. There was abuse of third-party payments in prior Administrations. Appropriators of both parties would be hard pressed to justify opposition to an amendment specifically designed to protect their authority.

The House Parliamentarian confirms that this funding restriction does not legislate on Appropriations. DOJ itself nearly banned mandatory donations in 2008 “due to instances of perceived abuse.” Furthermore, the Amendment would only be in effect for nine months (FY 2016), effectively a test period which allows any “unintended consequences” to be identified and promptly addressed.

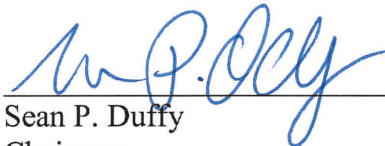
The funding restriction enjoys wide support, including from the Chamber of Commerce’s Institute for Legal Reform, Heritage Action, Americans for Tax Reform, National Taxpayers Union, Americans for Prosperity and Americans for Limited Government.

We know there are many demands on your time, so we thank you for your consideration.

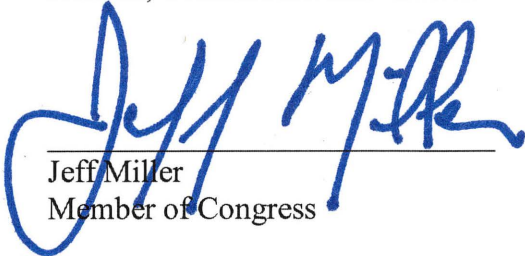
Sincerely,



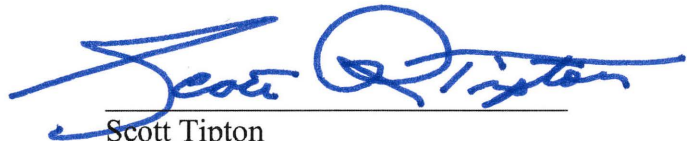
Tom Marino  
Chairman  
House Judiciary Subcommittee on Regulatory  
Reform, Commercial and Antitrust Law



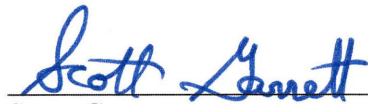
Sean P. Duffy  
Chairman  
House Financial Services Subcommittee on  
Oversight & Investigations



Jeff Miller  
Member of Congress



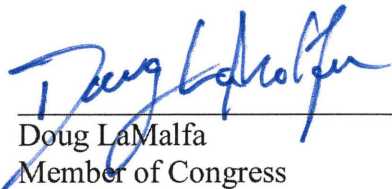
Scott Tipton  
Member of Congress



Scott Garrett  
Member of Congress



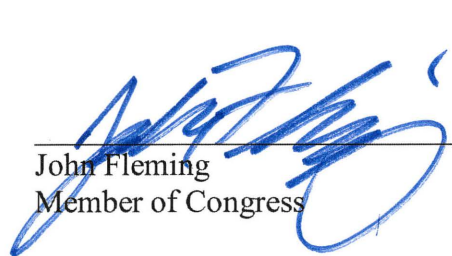
Chris Stewart  
Member of Congress



Doug LaMalfa  
Member of Congress




Stephen Fincher  
Member of Congress



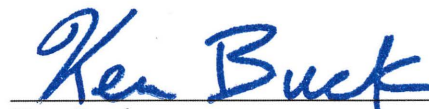
---

John Fleming  
Member of Congress



---

Paul Gosar  
Member of Congress



---

Ken Buck  
Member of Congress



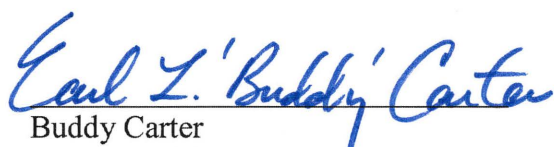
---

Mike Kelly  
Member of Congress



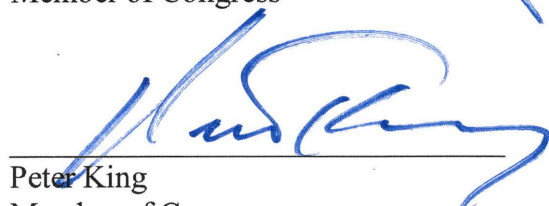
---

Mike Fitzpatrick  
Member of Congress



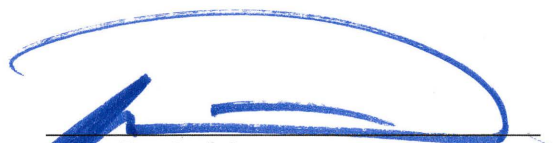
---

Buddy Carter  
Member of Congress



---

Peter King  
Member of Congress



---

Scott DesJarlais  
Member of Congress




---

John Ratcliffe  
Member of Congress



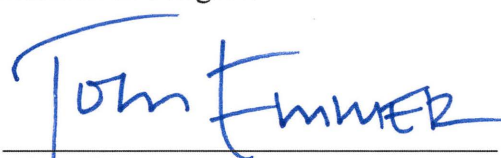
---

Mike Bishop  
Member of Congress



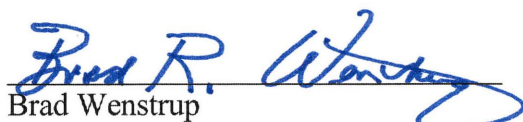
---

Ralph Abraham  
Member of Congress



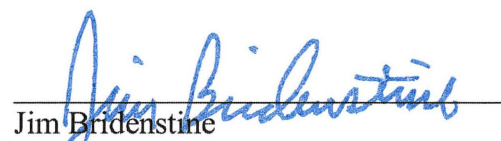
---

Tom Emmer  
Member of Congress



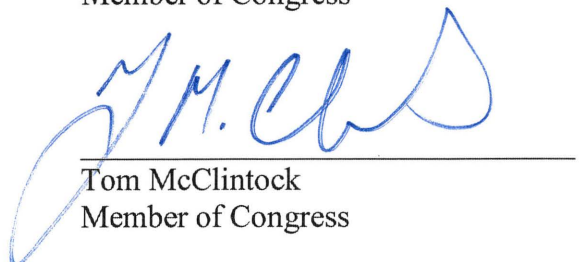
---

Brad Wenstrup  
Member of Congress



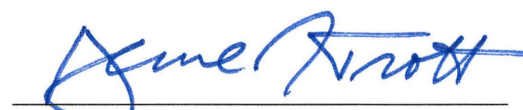
---

Jim Bridenstine  
Member of Congress



---

Tom McClintock  
Member of Congress



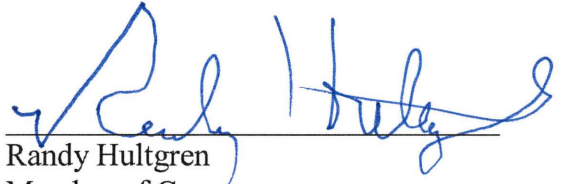
---

Dave Trott  
Member of Congress

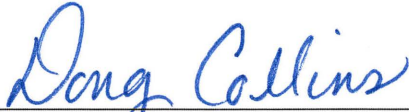




French Hill  
Member of Congress



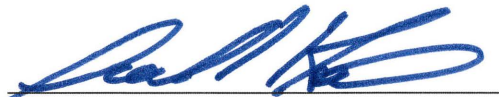
Randy Hultgren  
Member of Congress



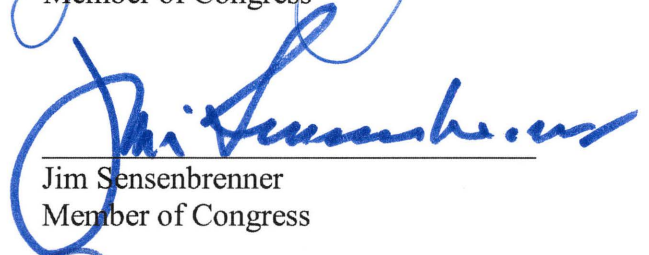
Doug Collins  
Member of Congress



Jeb Hensarling  
Member of Congress



Darrell Issa  
Member of Congress



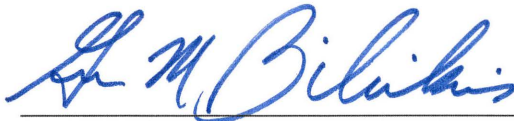
Jim Sensenbrenner  
Member of Congress



Lamar Smith  
Member of Congress



Rob Woodall  
Member of Congress



Gus M. Bilirakis  
Member of Congress



Blake Farenthold  
Member of Congress