



Legislative Bulletin.....June 23, 2005

Contents:

H.R. 3010—Amendments to the FY06 Labor/Health and Human Services/Education Appropriations Bill, **Part II**

H.R. 3010, the FY06 Labor/Health and Human Services/Education Appropriations Bill, is scheduled to be considered on the House floor on Thursday, June 23rd, subject to an open rule (H. Res. 337). Below are the summaries the amendments currently available. Note: summaries are based on RSC staff’s review of actual amendment text. For a summary of the underlying bill, see the separate RSC Policy Brief distributed earlier.

Paul (R-TX) / Bartlett (R-MD) / Feeney (R-FL) / Gutknecht (R-MN) #11: Prohibits funds from being used to “create or implement any universal mental health screening program.”

According to the sponsor, “HR 3010 contains \$26 million for ‘state incentive transformation grants’ to fund implementation of the New Freedom Commission recommendations for universal mental health screening and psychiatric drug treatment.” The sponsor states this amendment would “protect both children and adults from invasive screening that is based on vague, subjective, and politically motivated criteria that will result in labeling with dubious diagnoses.”

Rep. Paul sponsored a similar amendment on last year’s Labor/HHS Appropriations bill, and it failed by a vote of 95 – 315.

Issa (R-CA): Redirects \$5 million of the available funds under Title II (HHS) for “General Departmental Management” for a national education campaign for gynecologic cancer awareness coordinated by the Office of Women’s Health.

According to the sponsor, this amendment would “redirect \$5 million to the Office of Women’s Health from the Secretary’s budget to coordinate a national education and outreach program on gynecologic cancers.”

Brown-Waite (R-FL) #17: Decreases by \$25 million the available funds for Occupational Safety and Health Administration (OSHA) salaries and expenses; increases by \$25 million the

available funds for the Mathematics and Science Partnership under the School Improvement Programs.

According to the sponsor, “this is one of the Department of Education's most successful programs, partnering high-need school districts with the faculty of institutions of higher learning. By contrast, the inefficiencies of OSHA are well documented, yet the program is funded at \$10 million over the President’s request. OSHA has a very small positive impact on worker safety; however, estimates place the cost of OSHA’s current health and safety standards at \$11 billion per year. The most optimistic figures show OSHA currently creating 3 times more costs than it generates in benefits.”

English (R-PA) / Simmons (R-CT) / Baird (D-WA): According to the sponsor, this amendment will not be offered. The amendment would increase funding for the Community Services Block Grant by \$317 million (restoring the program to the FY05 level). It would be offset by an across the board .223 percent cut in discretionary spending.

Poe (R-TX) #9: Amendment to zero out an \$11.2 million CDC youth campaign, known as “VERB.” The CDC program, with the motto: “VERB it’s what you do,” offers taxpayer-funded basketball games, virtual physical activity logs, and magazines. By zeroing out VERB and transferring the money to the Strategic National Stockpile, the amendment will ensure terrorism preparedness is prioritized over such things as basketball games. Currently, the bill includes \$11.2 million for VERB, which has received over \$335 million from taxpayers since FY01. The President’s FY06 Budget request called for the termination of VERB, stating that the private sector, including Nickelodeon and the Disney Channel, “have recently created programs intended to get children to be more physically active, [and] “the establishment of these programs...illustrates that there is no longer a need for this Federal program.”

Honda/Stark (D-CA): Prohibits available funds from being “used to require a local educational agency to provide student information to military recruiters pursuant to section 503(c) of title 10, United States Code, or section 9528(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908(a)).”

According to the sponsor, the amendment would, prohibit the Department of Education from withholding fund “from school districts that do not provide private student information to military recruiters. The provision requiring school districts to provide military recruiters with private student information (names, addresses, telephone numbers) was included only recently in No Child Left Behind.”

According to Education Committee, which opposes this amendment, “No Child Left Behind provides equal access for military recruiters. Not special access, or extra access, but the same access that is given to other recruiters like colleges or businesses. **Schools must provide, upon request, student names, addresses, and telephone listings, and parents have the right under NCLB to opt out.** They can choose not to allow information about their children to be released without prior written parental consent – and school districts are required to notify parents of this option. The amendment does nothing to ‘return privacy rights to students’ because under current law, parents must be notified of their right to refuse

information to colleges and military recruiters. This amendment simply makes it more difficult for our armed forces to continue to ensure our nation's safety." The provision in NCLB was first offered by RSC Member Hostettler.

Hayworth (R-AZ) #14: REVISED Prohibits available funds made available from being "used by the National Labor Relations Board to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the National Labor Relations Board in San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union, AFL-CIO, CLC and Communication Workers of America, AFL-CIO, CLC, Party in Interest, and State of Connecticut, Intervenor, 341 NLRB No. 138."

According to the sponsor, "Until recently, the NLRB held that the National Labor Relations Act (NLRA) -- the primary law governing relations between unions and employers in the private sector -- did not extend jurisdiction over tribal activities that were located on Native American lands. This makes sense-- tribes are governments, and should be exempted from the NLRA, just as state and local governments are exempted. Since tribes use revenues from on-reservation economic development projects to fund essential government services such as fire and police protection, it is imperative that tribal governments receive the same treatment as state and local governments." The sponsor states the amendment "will prohibit the NLRB from expending funds to implement this erroneous decision. Although this is not a final solution to the problem, this amendment will halt the NLRB's active enforcement in Indian Country until a permanent fix can be implemented."

Hayworth (R-AZ) #15: REVISED Prohibits available funds from being "used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement."

According to the sponsor, the amendment limits funds from being used "to implement a Social Security totalization agreement with Mexico. Totalization with Mexico would allow Mexican nationals, who split their careers between working in Mexico and U.S., increased access to Social Security benefits. The Social Security Administration estimates that only 50,000 Mexican nationals would claim benefits in the next five years, but GAO has reported that these figures do 'not directly consider the estimated millions of current and former unauthorized workers and family members from Mexico' who are already residing in the United States, making the cost of the agreement 'highly uncertain'."

Poe (R-TX) #6: An amendment that reduces and increases by \$175,000, funds available for NIH's National Institute of Child Health and Human Development (NICHD). The sponsor intends for \$175,000 to be taken from NICHD's "Milk Matters" campaign and transferred to NICHD disease research. The amount of \$175,000 coincides with the approximate level of funds used by NICHD per year, to operate the "Milk Matters" campaign, which was created under the Clinton Administration. The campaign features Bo Vine, the "spokescow," free coloring books featuring "Buddy the Brush," and five internet web games. Instead of paying for coloring books and web games, the amendment will ensure NICHD funds go to critical medical research for diseases such as Spina bifida, Down syndrome and Autism.

Filner (D-CA) #8: Prohibits available funds from being “used for placing Social Security account numbers on identification cards issued to beneficiaries under the Medicare program under title XVIII of the Social Security Act.” According to the sponsor, “the amendment requires DHHS to remove Social Security numbers from New Medicare Cards,” in order to help curb identity theft.

Hefley (R-CO) #16: Reduces funding in the Act by the \$1,425,140,000. This amount is equal to one-percent of the total amount of discretionary funding in the bill.

Hefley (R-CO) #7: Reduces by \$40 million the funds for the Corporation for Public Broadcasting and increases by \$40 million funds for the Office of the Director of NIH. According to the sponsor, the funds will be directed to “the Director’s Pioneer Grants program, a director’s priority which would let small grants of \$600,000-\$700,000 to researchers involved in high-risk, high-reward work in areas such as leukemia, HIV, molecular and blood stem-cell research. The director reasons such grants would enable fairly near-term results as opposed to the sometimes decades-long time frame for the NIH’s usual channels.”

Jackson-Lee (D-TX): According to her office, Jackson-Lee will not be offering this amendment. The sponsor states, “The amendment would increase funding under title II relating to Centers for Disease Control and Prevention - Disease Control, Research, and Training by \$1 million. **Funding increases are offset by reducing Children and Families Service Programs relating to competitive grants to provide abstinence education by \$1 million.**”

Jackson-Lee (D-TX): According to her office, Jackson-Lee will not be offering this amendment. According to the sponsor, “The amendment would increase funding under title II relating to Centers for Disease Control and Prevention - Disease Control, Research, and Training by \$2.5 million. Also increases funding relating to National Center on Minority Health and Health Disparities by \$1.5 million. **Funding increases are offset by reducing Children and Families Service Programs relating to competitive grants to provide abstinence education by \$4 million.**”

King (R-IA): Prohibits available fund from being “used to reimburse, or provide reimbursement, for drugs prescribed for the treatment of impotence” According to the sponsor, “Coverage for dual use drugs, such as testosterone, would not be excluded when prescribed for a reason other than sexual performance. The Congressional Budget Office estimates this amendment will save \$105 million in Fiscal Year 2006.”

Maloney/Hinchey/Fossella/Walsh (D-NY /R-NY): The amendment would strike the following section from the bill:

“WORKERS COMPENSATION PROGRAMS (RESCISSION)

Of the funds provided under this heading in the Emergency Supplemental Act, 2002 (Public Law 107-117, division B), \$120,000,000 is rescinded.”

Additionally, the amendment makes available “under this heading in chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery

from and Response to Terrorist Attacks on the United States Act, 2002,” \$50 million “for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001 and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks.” Additionally, the amendment makes available, \$75 million, “for purposes related to the September 11, 2001 terrorist attacks, with priority given to administer baseline and follow-up screening and clinical examinations and long-term health monitoring, analysis, and treatment for emergency services personnel and rescue and recovery personnel.”

According to the sponsor, “the amendment would strike the \$125 million rescission related to 9/11 workers' compensation funding. Appropriates \$50 million to be used to pay claims of 9/11 responders and \$75 million for purposed related to 9/11 with priority given to medical monitoring of 9/11 responders. **Designates these amounts as an emergency requirement pursuant to section 402 of the H.Con.Res 95 (109th Congress)**”. **NOTE: This amendment effectively busts the budget by \$125 million.**

Obey (D-WI): The sponsor will not release the amendment text. According to the Committee, “the amendment would add \$7.844 billion for education and related programs, \$738 million for job training and other Labor Department programs, \$2.180 billion for health care, biomedical research and public health programs, \$105 million for public health and hospital preparedness grants, \$755 million for human services programs at the Department of HHS, \$100 million for the Corporation for Public Broadcasting, and \$109 million for the Social Security Administration. Additional appropriations would be offset by a provision reducing the tax cuts enacted in 2001 and 2003 for taxpayers with incomes exceeding \$1 million.” (This amendment is likely subject to a point of order)

When asked for additional information regarding Mr. Obey’s amendment, the Committee staff was only willing to provide information concerning the increase in funding for the Corporation for Public Broadcasting(CPB), which provides for a \$100 million increase in CPB (which funds PBS) funding.

DeFazio (D-OR): Prohibits available funds from being used “to carry out section 1860D-1(b)(4) of the Social Security Act.” According to the sponsor, “The Medicare Modernization Act (MMA) allows, and encourages, the Secretary of Heath and Human Services to distribute the personal information of millions of Medicare and Medicaid beneficiaries to private companies for marketing purposes...[the amendment will] prevent this from happening.”

King (R-IA): Prohibits funds available for the Department of Education from being “expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U. C. 1623).” The sponsor states, “According to existing federal law, any state providing illegal aliens in-state tuition discounts must provide these discounts to all students, regardless of state of residence.”

8 U.S.C. 1623 states, “Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or

national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.” 8 U.S.C. 1623. According to the sponsor, “This amendment simply seeks to enforce existing law. Not only is providing in-state tuition to illegal aliens against the law, it would also place a huge financial burden on our society.”

Jindal (R-LA): “Page 40, line 14, insert after the dollar amount the following: ‘(increased by \$15,000,000) (reduced by 15,000,000)’.”

The sponsor intends this \$15 million earmark to come from “the \$50 million in health information technology grants already allocated to the Agency for Healthcare Research and Quality (AHRQ) for grants to small and rural hospitals for implementing bedside barcoded medication administration technology. Handheld devices that scan barcodes on medication bags, patient wristbands, and nurse badges can help eliminate errors in dispensing medications by alerting hospital staff before an error is made. One-third of all medication errors occur during administration and could be avoided with the use of advanced medical technology such as barcodes. The technology also achieves efficiencies by automatically capturing patient data and eliminating some of the costly hospital administrative paperwork that takes physicians and nurses away from patient care.”

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