



Friday, July 24, 2009

House Meets At...	Votes Predicted At...
9:00 a.m. For Legislative Business Five "One-minutes" Per Side	Last vote: 3:00 – 4:00 p.m.

Any anticipated Member absences for votes this week should be reported immediately to the Office of the Majority Whip at 226-3210.

Floor Schedule and Procedure

- **H. Res. 673 – Rule providing for consideration of H.R. 3293 – Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010 (Rep. Alcee Hastings – Rules)**: The structured rule provides for one hour of general debate equally divided and controlled by the Chair and Ranking Minority Member of the Committee on Appropriations. The rule makes in order the amendments printed in the report of the Committee on Rules accompanying this resolution. The rule provides that each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without demand for division of the question. The rule provides one motion to recommit the bill with or without instructions. The rule provides that after disposition of the amendments specified in the first section of the resolution, the Chair and Ranking Minority Member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the Chair of the Committee on Appropriations or his designee. The rule also provides that the Chair may not entertain a motion to strike out the enacting words of the bill. Finally, the rule provides that during consideration of H.R. 3293, the Chair may reduce to two minutes the minimum time for electronic voting. Debate on the rule will be managed by Rep. Alcee Hastings, and consideration will proceed as follows:

- One hour of debate on the rule.

- Possible vote on a Democratic Motion ordering the previous question. **Members are urged to VOTE YES.**
 - Vote on adoption of the rule. **Members are urged to VOTE YES.**
- **H.R. 3293 – Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010 (Rep. Obey – Appropriations)**: Pursuant to H.Res. 673, general debate on the bill will be managed by Appropriations Committee Chair Rep. Dave Obey or his designee. Consideration on the bill will proceed as follows:
 - One hour of general debate on the bill.
 - Debate and possible votes on amendments to the bill.
 - Possible debate and vote on Republican motion to recommit the bill.
 - Vote on final passage of the bill. **Members are urged to VOTE YES.**
- **Postponed Suspension Votes:**
 1. **H.Res. 538** - Resolution supporting Olympic Day and encouraging the International Olympic Committee to select Chicago, Illinois, as the host city for the 2016 Olympic and Paralympic Games (Rep. Schakowsky - Foreign Affairs)
 2. **H.Res. 285** - Congratulating the people of the Republic of Lithuania for its 1000th anniversary and celebrating the rich history of Lithuania (Rep. Shimkus - Foreign Affairs)
 3. **H.Res. 519** - Expressing appreciation to the people and Government of Canada for their long history of friendship and cooperation with the people and Government of the United States (Rep. Stupak - Foreign Affairs)

Bill Summary & Key Issues

Summary of H.R. 3293 – Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

BILL TOTAL

- **2009 Comparable:** \$155.049 billion
- **President's Request:** \$160.706 billion
- **Committee Mark:** \$160.654 billion

Discretionary programs: \$160.7 billion, \$5.6 billion above the comparable 2009 level for discretionary accounts including offsets for 2010. In addition, the Budget Resolution provides for a \$2.7 billion upward adjustment for program integrity initiatives and LIHEAP.

Mandatory programs: \$567 billion, \$48.3 billion above 2009, for mandatory programs in 2010. Funding requirements for entitlement programs are determined by the basic authorizing statutes. Mandatory programs include general fund support for the Medicare and Medicaid programs, Supplemental Security Income, Trade Adjustment Assistance, and Black Lung payments.

Program Integrity Provisions: The bill includes \$1.129 billion – a 50 percent increase – for program integrity activities designed to reduce improper payments, fraud, and abuse. These funds will allow DOL to conduct additional eligibility assessments and improper payment reviews under the Unemployment Insurance Program, expand the HHS Health Care Fraud and Abuse Control Program, and enable SSA to work down a backlog of continuing disability reviews to determine whether benefits are properly paid. These efforts could result in over \$48 billion in savings and increased revenues over the next ten years. In addition, the Committee fully funds the amounts requested for the various Inspectors General with audit and oversight responsibilities for the agencies included in the bill.

Significant Cuts: In order to invest in the critical priorities identified in this bill, and in an effort to build an economy that is on a solid foundation for growth to put the nation on a path toward prosperity, the Committee makes a number of hard choices by proposing in this bill a number of program terminations, reductions, and other savings from the fiscal year 2009 totaling \$1.3 billion. In addition, \$3.3 billion in other savings from the budget request are recommended. These adjustments, no matter their size, are important to setting the right priorities within the spending allocation, for reducing the deficit, and creating a government that is as efficient as it is effective.

KEY INVESTMENTS

HEALTH AND HUMAN SERVICES INVESTMENTS

Community Health Centers: \$2.2 billion, the same as the President's request and 2009. This funding will provide primary health care to 17 million patients, of whom 40 percent are uninsured, in 7,500 service delivery sites. These centers are likely to become medical homes for patients newly enfranchised by health care reform. They provide high quality care in both urban and rural underserved areas across the country.

Health Professions Workforce Shortages: \$530 million, \$1.6 million above the President's request and \$137 million above 2009, to support the training of students across the health professions and nursing fields. Some of the programs are specifically targeted to disadvantaged, underserved populations. These students will provide the backbone of the health care system for underserved areas, especially if health care reform expands coverage.

- **Nurse Training:** Within this total, the bill includes a \$92 million increase for nurse training. This substantial increase is essential because the U.S. is in the midst of a nursing shortage that is expected to intensify as baby boomers age and the need for health care grows. The Health Resources

and Services Administration (HRSA) estimates that the nation's nursing shortage will grow to more than one million nurses by the year 2020, a number that is sure to skyrocket if health care reform brings millions of uninsured people into the health care system.

- **Health System Reform Needs:** The Committee directs HRSA and DOL to jointly establish a strategic plan to address emerging needs in the health care sector through a joint DOL-HRSA interagency task force.

State Health Access Grants: \$75 million, the same as the President's request and 2009. A second year of grants for this new program is an important transition to national health care reform. States can use this funding to expand coverage for segments of their population to test ideas before a national coverage system takes effect.

National Institutes of Health (NIH): \$31.3 billion, \$500 million above the President's request and \$942 million above 2009, for biomedical research to improve health and reduce health care expenditures. NIH research will help doctors move away from today's costly and predominantly curative model to a presumptive model, allowing intervention before disease occurs. Further, NIH research will enhance the quality of health care as health system reform addresses universal access.

Public Health: \$6.7 billion, \$38 million above the President's request and \$67 million above 2009, for the discretionary public health programs administered by the Centers for Disease Control and Prevention (CDC). Increases are provided for a number of CDC programs, including:

- \$53 million increase to support testing of up to 600,000 persons for HIV and to link HIV positive individuals with health services;
- \$14 million increase to ensure continued collection of accurate core data on the health status of the U.S. population and the use of health services in order to gauge the success of health systems reform;
- \$11 million increase for public health research and surveillance to reduce the approximately 170,000 deaths per year in the U.S. caused by infectious disease; and
- \$10 million increase for global immunization, which CDC estimates will lead to 25,000 fewer global measles-related deaths in fiscal year 2010.

Mental Health Services: \$1 billion, \$22 million above the President's request and \$39 million above 2009, for mental health services programs administered by the Substance Abuse and Mental Health Services Administration (SAMHSA). Increases are provided for a number of mental health services programs, including a:

- \$17 million increase for Children's Mental Health to provide 11,000 additional children who have mental, emotional, and behavioral disorders with community-based care and supports;
- \$8 million increase for State homelessness grants to provide an estimated 11,000 additional homeless and seriously mentally ill individuals with community-based support services; and

- \$7 million increase to double an initiative that integrates primary and behavioral health care for an estimated 3 million Americans with severe mental illnesses.

Substance Abuse Prevention and Treatment: \$2.4 billion, \$46 million above 2009 and \$3 million above the President's request, for substance abuse prevention and treatment programs administered by SAMHSA. Increases are provided for SAMHSA's criminal justice portfolio, as follows:

- \$35 million increase for treatment drug courts to provide 5,200 additional individuals involved in juvenile, family, or adult drug courts with needed substance abuse treatment and recovery support services, including the provision of social services for an estimated 870 children with methamphetamine-addicted parents; and
- \$15 million increase for the ex-offender re-entry program to provide 1,800 additional ex-offenders with substance abuse treatment services upon their return to the community.

Healthcare-Associated Infections (HAIs): \$204 million, \$23 million above the President's request and \$34 million above 2009, to continue an aggressive campaign to dramatically reduce life-threatening infections that patients acquire while receiving treatment for medical or surgical conditions. HAIs are among the top ten leading causes of death in the U.S., accounting for nearly 100,000 deaths, 1.7 million infections, and \$28 billion to \$33 billion in excess healthcare costs annually. The Committee bill includes:

- \$5 million total for the Department of Health and Human Services (HHS) Office of the Secretary to coordinate and integrate HAI-related activities across the Department and continue a national media campaign for health care providers and consumers launched in fiscal year 2009.
- \$11 million above 2009 for CDC's emerging infectious diseases portfolio, which includes HAIs, for expanded surveillance, public health research, and prevention activities and \$5 million above 2009 to expand the CDC National Healthcare Safety Network for increased HAI surveillance in hospitals.
- \$54 million above 2009 within Centers for Medicare and Medicaid Services (CMS) for enhanced State inspections in nursing homes and other medical facilities where HAIs are rising, giving inspectors' greater opportunities to identify infection control problems. The Committee also directs CMS to include additional infection control measures in its hospital performance reporting system, Hospital Compare, and its "pay for performance" and "pay for reporting" systems.
- \$18 million above 2009 in AHRQ for nationwide implementation of evidence-based HAI prevention training in over 5,000 hospitals.

OTHER PROGRAMS FOR THE VERY VULNERABLE

Low Income Home Energy Assistance (LIHEAP): \$5.1 billion, \$1.9 billion above the President's request and the same as 2009, to ensure that approximately 7.5 million low-income households continue to receive the home energy assistance they need in a volatile energy market.

Head Start: \$7.2 billion, the same as the request and \$122 million above 2009, to sustain high-quality, comprehensive early childhood services, including educational, health, nutritional, and social services, to approximately 978,000 low income children before they enter school, nearly 70,000 over the fiscal year 2008 level.

Foster Care Innovation: \$20 million, the same as the President's request, for a new initiative to improve outcomes for children in foster care by providing incentives to States to develop evidence-based improvements for children in long-term care.

Nutrition and Other Services for Seniors: \$1.5 billion, \$37 million above the President's request and 2009, to boost nutrition, transportation, and other supportive services for elderly Americans. This funding will help provide nearly 239 million meals to 2.5 million seniors, an increase of approximately 3 million meals.

Reducing Abortions: \$7.8 billion, \$61 million above the President's request and \$135 million above 2009, for programs that may help reduce the number of abortions in America by alleviating the economic pressures and other real life conditions that can sometimes cause women to decide not to carry their pregnancies to term.

Teen Pregnancy: \$114 million for a new evidence-based teenage pregnancy prevention initiative in the HHS Administration for Children and Families to address a rise in teenage births, following a 34 percent decline between 1991 and 2006. The overwhelming majority of teenage pregnancies are unplanned; therefore, reducing the incidence of teenage pregnancy can have untold individual and societal benefits, including reducing poverty, improving education outcomes, improving child well-being, and reducing the need for abortions.

IMPROVING EDUCATION

Title I Grants for Low-Income Children: \$14.5 billion for Title I grants to school districts, which restores the proposed \$1.5 billion cut to the program, in order to ensure that approximately 20 million disadvantaged children in nearly 55,000 public schools obtain the educational skills they need to compete in a global economy. School districts may use any portion or all of these funds to support early childhood education activities and, thus, the bill does not include a separate funding stream for early childhood programs as requested by the Administration.

School Improvement: \$545 million, the same as 2009, for assistance to approximately 13,000 schools across the country with chronically poor academic performance.

Teacher Incentive Fund: \$446 million, \$41 million below the President's request and \$349 million above 2009, for the Teacher Incentive Fund (TIF), which supports school districts and States that aim to reward effective teaching through compensation systems that reward entire high-need schools for raising student achievement.

Charter Schools: \$256 million, \$12 million below the President's request and \$40 million above the fiscal year 2009, to support the start-up of over 1,300 new

charter schools in fiscal year 2010. The bill also includes new accountability measures to ensure that new charter schools are successful.

Striving Readers: \$146 million, more than tripling the 2009 funding level, to help struggling adolescents build their literacy skills, start a new early reading comprehensive initiative, and improve the integration of reading initiatives across the Department of Education.

High School Graduation Initiative: \$50 million for a new High School Graduation Initiative to target assistance on high school “dropout factories” – schools that disproportionately contribute to the nation’s dropout crisis, as proposed by the Administration.

Individuals With Disabilities Act: \$11.5 billion, the same as the President’s request, building on \$11.3 billion in the Recovery Act to support a record 25 percent Federal contribution toward special education in each of fiscal years 2009 and 2010.

Adult Education: \$628 million, the same as the President’s request and \$74 million above 2009, for Adult Basic Literacy Education State Grants. These State formula grants will enable over three million adults to acquire basic literacy skills, complete a secondary education, and become more employable, productive, and responsible citizens – 316,000 more adults than in fiscal year 2009.

Pell Grants: in fiscal year 2009, the Committee led the effort to provide an historic \$619 increase in the maximum Pell award, to \$5,350. Pell Grants are the foundation of the Federal commitment to ensure access to higher educational opportunities for low- and middle-income students by providing need-based financial assistance that helps them pay for college costs. This bill maintains the discretionary portion of the maximum Pell Grant award at \$4,860, which, combined with a mandatory supplement of \$690, will support a \$5,550 maximum Pell Grant in fiscal year 2010, an increase of \$200 over the 2009 award level.

Support for Developing Institutions: \$653 million to strengthen the capacity of Historically Black and Predominantly Black Colleges and Universities, Hispanic-serving Institutions, Tribal Colleges and Universities and Native American serving Institutions, Asian Pacific Islander, and Native American institutions, \$110 million over the President’s request and \$146 million over 2009. In addition, the bill provides for \$178 million in new loan guarantees for Historically Black College and University facilities – nearly triple the 2009 level.

TRIO and GEAR UP: \$868 million for the TRIO programs and \$333 million for GEAR UP, \$20 million above the fiscal year 2009 funding level and the budget request for each program, to assist approximately 1.7 million disadvantaged and first-generation college students to prepare for, enter, and complete college – an increase of 51,000 students over fiscal year 2009.

EMPLOYMENT AND TRAINING

Dislocated Worker Employment and Training Activities: \$1.4 billion, \$14.1 million below the President’s request and \$57 million above 2009, for training and supportive services to workers affected by mass layoffs and plant closures. More

than 500,000 workers lost their jobs in the first three months of 2009 due to mass layoffs.

YouthBuild: \$100 million, \$14.5 million below the President's request and \$30 million above 2009, to expand YouthBuild so that nearly 7,000 at-risk youth can gain high school credentials and construction skills training while building affordable housing for homeless families.

Transitional Jobs: \$50 million, the same as the President's request, for a new initiative based on a proven employment strategy to help noncustodial parents and workers who face substantial barriers to entering the workforce.

Green Jobs: \$50 million, the same as the President's request, to prepare workers for careers in energy efficiency and renewable energy. This new Administration initiative will support pre-apprenticeship programs, career pathways, and other gateways for more than 8,000 workers to enter careers in emerging green industries.

Career Pathways Innovation Fund: \$135 million, \$10 million above 2009, for new competitive grants to community colleges and partnerships with local adult education providers for career pathways to prepare workers for careers in high demand and emerging industries. The Committee directs that approximately half of these funds, \$65 million, must be used to train workers for careers in the health care sector, with a focus on nursing professions.

Older Workers: \$615 million, \$40 million above the President's request and \$43.5 million above 2009, to provide community service opportunities for nearly 100,000 low-income seniors. The Recovery Act provided \$120 million for the Title V older workers program.

Unemployment Insurance Operations: \$3.2 billion, the same as the President's request and \$423.5 million above 2009, to help States process unemployment insurance claims.

Veterans Employment and Training: \$265 million, \$10 million above the President's request and \$25.7 million above 2009, to maximize employment and training opportunities for veterans transitioning to the civilian workforce, and to protect their employment rights. This amount includes \$257 million for Department of Labor and \$8 million in the Department of Education for a new Centers of Excellence for Veterans Success initiative to establish college and university-based support centers for veterans seeking to obtain a post-secondary education.

WORKER SAFETY AND HEALTH

Labor Law Enforcement: \$1.5 billion, \$28 million below the President's request and \$105 million above 2009, to support up to 600 new full-time equivalent enforcement and compliance positions (an increase of 13 percent) at the Employment Benefits Security Administration (EBSA), Employment Standards Administration (ESA), the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration (MHSa).

VOLUNTEERISM AND SERVICE TO AMERICA

Corporation for National and Community Service (CNCS): \$1 billion, \$90 million below the President's request and \$169 million above 2009. This funding, together with Recovery Act funds, will increase the number of AmeriCorps members by 15,000 volunteers, from 74,000 to nearly 89,000, and the number of Senior Volunteers by more than 9,000, from 473,000 to 482,000.

New Summer of Service Program and Social Innovation Fund: Provides funds to support 2,000 students for a new Summer of Service program. Included within the total is an initial investment of \$35 million to launch a new Social Innovation Fund that will leverage matching non-Federal funds to scale up proven programs and invest in promising new ideas in low-income communities.

SOCIAL SECURITY ADMINISTRATION

Supporting Seniors and the Disabled: \$11.4 billion, \$993 million above 2009, for a limitation on administrative expenses for SSA. The Committee is dedicated to helping the Social Security Administration (SSA) address several challenges, including processing a rising number of retirement and disability claims, reducing the backlog of disability claims, and improving service to the public.

CORPORATION FOR PUBLIC BROADCASTING

Public Broadcasting: \$541 million, \$40 million above the President's request and \$50 million above 2009, for the Corporation for Public Broadcasting. This amount includes:

- \$440 million for a fiscal year 2012 advance appropriation;
- \$36 million for digital conversion grants;
- \$25 million to complete the public radio satellite replacement and interconnection project; and
- \$40 million for one-time fiscal stabilization grants to forestall layoffs and cutbacks in essential programming, recognizing the financial challenges confronting more than 1,000 public broadcasting stations in the current economic downturn.

OTHER IMPORTANT POLICY ITEMS

- The bill continues all prior restrictions on the use of funds in the Act for abortion.
- The bill continues a prohibition on the use of funds in the Act for research that creates or destroys human embryos.
- The bill deletes a prohibition on the use of funds in the Act for needle exchange programs; provided that such programs are not located within 1,000 feet of a school, public swimming pool, park, playground, video arcade, or youth center, or an event sponsored by any such entity.
- The bill continues a prohibition on the use of funds to implement a Social Security Totalization Agreement with Mexico.
- The bill includes a new prohibition on the use of funds that contravenes the 1996 Personal Responsibility and Work Opportunity Act.

Amendments to H.R. 3293 – Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010

1. **Obey (Manager's):** Provides additional funding for the Career Pathways Innovation Fund which supports job training in high-growth fields such as energy and health care (\$5 million), the Emergency Medical Services for Children program (\$1 million), the National Center for Health Statistics (\$1 million), Math and Science Partnerships (\$5 million), Reach Out and Read (\$2 million), and the Modeling and Simulation higher education program (\$1 million). Provides a \$10 million increase to \$30 million for competitive awards to charter school management entities such as KIPP schools within the Charter School Program. These increases are fully offset within the bill. And, requires funds in the bill to be used to purchase Energy Star light bulbs and prohibits first-class travel by employees of agencies funded by the Act. **Chairman Obey recommends that Members VOTE YES.**

2. **Souder:** Prohibits funding in the Act from being used to carry out needle exchange programs. Many prominent scientific and public health leaders have endorsed needle exchange programs as an effective public health intervention, based on scientific research, to reduce the incidence of HIV and other diseases, including Anthony Fauci, head of the National Institute of Allergy and Infectious Diseases; Thomas Frieden, the Director of the CDC; former NIH Director Harold Varmus; former Surgeons General C. Everett Koop and David Satcher; and former HHS Secretary Dr. Louis Sullivan. Fauci, who is one of the world's leading experts on HIV/AIDS very succinctly stated in Congressional testimony in 2008, "Clearly needle exchange programs work. There is no doubt about that." The underlying bill adopts a middle ground by permitting Federal funds to be used for needle exchange programs, provided that such programs are NOT located within 1,000 feet of a day care center, school, college or university, or any public swimming pool, park, playground, video arcade, or youth center, or an event sponsored by any such entity. Under this provision, no State or community is required to use Federal funds for needle exchange programs. **Chairman Obey recommends that Members VOTE NO.**

3. **Issa:** De-funds three National Institutes of Health grants that support behavioral research on preventing the transmission of HIV/AIDS. The grants study: (1) the factors that put Thai prostitutes at special risk of HIV; (2) decreasing high-risk HIV behaviors among Russian alcoholics; and (3) an intervention program targeting HIV risk and alcohol use among Chinese prostitutes. **Chairman Obey recommends that Members VOTE YES.**

4. **Pence:** Blocks funding in the family planning program from going to Planned Parenthood clinics, which provide essential medical services to 5 million low-income, uninsured individuals in 4,400 clinics nationwide. If the clinics close, some of these women would have to travel long distances to obtain services. The amendment would have no impact on

abortion because this bill maintains all abortion-related restrictions, and this bill appropriates no funds whatsoever for abortions.

Chairman Obey recommends that Members VOTE NO.

5. **Wittman:** Cuts total spending in the bill by \$803 million and does not specify the programs to be cut.
- If this cut was applied to **NIH**, it wipe out more than 900 new research grants, undermining efforts to treat cancer, Parkinson's, diabetes, and other deadly diseases.
 - If this cut was applied to **Community Health Centers**, nearly 1.3 million people could see their health care services reduced or eliminated.
 - If this cut was applied to **Special Education**, IDEA funding would be cut by 7 percent below the 2009 level, impacting educational services for 6.7 million children with disabilities, and knocking the level of Federal support per child back down to 2007 levels.
 - If this cut was applied to **Pell Grants**, 7.6 million students would see their grants reduced, and the maximum Pell award would be cut by approximately \$135.
 - If this cut was applied to **LIHEAP**, it would reduce the number of households served by over 900,000, cut the average benefit by over 12 percent, or some combination of the two.
 - If this cut was applied to the **Senior Nutrition** program, it would eliminate nearly 240 million meals for 2.5 million seniors, virtually wiping out the program.
 - If this cut was applied to **Head Start**, over 50,000 low-income children would be denied comprehensive early childhood services.
 - If this cut was applied to the **Child Care Block Grant**, child care services for over 270,000 low-income families would be eliminated.
 - If this cut was applied to Job Corps, it would deliver a more than 50 percent cut to Job Corps centers -- cutting skills training for 30,000 at risk youth.

Chairman Obey recommends that Members VOTE NO.

Quote of the Day

"Every generalization is dangerous, especially this one."

— Mark Twain