



## Legislative Bulletin.....June 23, 2005

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

**Obey (D-WI):** The sponsor's office does not have a copy of the amendment, but the RSC has obtained a copy. Based on the text, the amendment increases funding for the Corporation for Public Broadcasting (CPB) for FY06 by \$100 million (bringing the funding for CPB to \$400 million in FY06), and pays for the offset by reducing the Department of Labor (DOL)-Employment and Training Administration-Training and Employment Services by \$58 million; the DOL Salaries and Expenses account by \$4.640 million; HHS's HRSA account by \$2.92 million; the "Department of Education-Higher Education" account by \$27 million; and the Department of Education's Program Administration account by \$8.38 million.

In recent years, CPB has been provided with a two-year advance appropriation. The following is the current funding history:

- FY05: \$387 million (advanced appropriations contained in FY2003 L/HHS Appropriations)
- \*FY06: \$400 million\* (advanced appropriations contained in FY2004 L/HHS Appropriations)  
**(reduced by \$100 million in FY06 Committee bill. The underlying FY06 bill contains \$300 million.)**
- FY07: \$400 million (advanced appropriations contained in FY05 L/HHS Appropriations)
- \*FY08: \$400 million (advanced appropriations **added in full committee to FY06 LHHS Appropriations**)

**Owens (D-NY):** Strikes the prohibition to use funds to enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard).

The underlying bill prohibits the use of funds to administer or enforce these provisions, and this amendment would lift the prohibition. Thus, it would lift the ban on the annual fit-testing of respirators for first responders and first receivers. The underlying bill allows for the *initial* (but not *annual*) fit-testing.

According to the sponsor, “this [federal funding] ban on annual fit-testing seriously undermines a core tenet of preparedness in the event of a bio-terrorism attack. It seriously endangers those on the front lines - including emergency medical technicians and firefighters - who would be first to respond to a suspicious biohazard in a building or confined space. Likewise, it could prove life-threatening to those on the receiving line - including nurses and other hospital workers - who would have first contact with the casualties of any air-borne pathogen attack.”

According to Rep. Wicker, who offered the underlying language in Committee and opposes the amendment, “the Owens Amendment increases the cost of healthcare by allowing OSHA to go forward with an unnecessary regulation that even the CDC says is not backed by sound-science. The Wicker language in the underlying bill limits OSHA funds from being spent on a new regulation that the agency put in place without notice or comment on December 31, 2003. This ‘dark of night’ OSHA regulation aims to control tuberculosis (whose rates are at the lowest in history) in healthcare facilities through mandating annual “fit-testing” of respirators for healthcare workers. The OSHA regulation is not backed up by sound-science. In fact, there has never been a case in the United States where a healthcare worker has gotten TB because his or her mask was not fit-tested.”

Amendment text:

In title I, in the item relating to “OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES”, strike “: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis”.

**Additional Information on Rep. Owens' Amendment (courtesy of Rep. Wicker's office):**

Letter from outside organizations supporting the underlying Wicker language that Rep. Owen is attempting to strike:



Group Letter  
supporting langua...

**Bradley (R-NH):** Increases by \$50 million, funds available for Individuals with Disabilities Education (\$11.814 billion to \$11.864 billion), and offsets this increase by reducing by \$25 million, funds for Occupational Safety and Health Administration Salaries and Expenses, and reduces by \$25 million (from \$477.2 million to \$452.2 million), funds for the Department of Education Organization Act (from \$419 million to \$394 million).

According to the sponsor, the amendment would provide “an additional \$50 million in funding to IDEA for use as Part B grants to states, [and] will better enable states to support our children by providing additional funds for schools and local communities to use for special education.”

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