



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 I**

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 of 13 of the preprinted amendments. 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.

Flake/Shadegg (R-AZ) #10: Prohibits funds from being “used to enforce Determination ED-OIG/A05-D0008 of the Department of Education.” According to the sponsor, “The Amendment will ensure that all certified charter schools will continue to be eligible to receive special education and low-income funding. This year, the Department of Education made a sudden ‘determination’ that charter schools operated by for-profit organizations are not public schools – and are therefore ineligible for federal special education funding (under the Individuals with Disabilities Education Act (IDEA)) and Title I low-income student funding. But charter schools across the country are public schools: they operate with taxpayer dollars and abide by the same laws as traditional schools. Federal law lets states decide the qualifications for public schools. All charter schools must accept special education and low-income students on a first-come, first-served basis. Schools cannot deny these students.”

Stearns (R-FL) #12: Increases by \$1 million, the available funds for the National Veterans’ Employment and Training Services Institute, and increases by \$9 million, the available funds for the Homeless Veterans Reintegration Programs and the Veterans Workforce Investment Programs. Reduces by \$10 million, the available funds for AmeriCorps grants (within the Corporation for National and Community Service).

According to the sponsor, “CBO has scored the amendment to be Budget Authority-neutral, but to save \$1,000,000 in FY06 outlays. America has relied on the contributions of selfless volunteers for centuries, and the generosity of Americans will endure without a Federal program. Veterans are our Federal responsibility, and these two worthwhile programs provide needed help.”

Johnson (R-CT) #23: Increases by \$11.2 million, the available funds under the title “Health Resources and Services Administration, Health Resources and Services,” and reduces by \$11.2 million, the available funds for Centers for Disease Control and Prevention, Disease Control, Research, and Training, specifically, CDC’s VERB youth media campaign. Additionally, the amendment states “That of the funds made available under this heading, \$10,802,000 shall be made available for the healthy community access program.”

According to the sponsor, the Healthy Community Access Program (HCAP) “grants help fill the holes in the health care safety net by allowing agencies to coordinate health care for uninsured Americans. My amendment would restore a portion of the program and provide \$11.2 million for HCAP...In order to fund this vital initiative, funding for the Centers for Disease Control and Prevention’s VERB Youth Media Campaign would be reduced by \$11.2 million.”

(The sponsor indicates that her amendment, #13, preprinted in the Congressional Record, which cuts abstinence funding in order to increase HCAP funding, will not be offered, and the VERB offset (above) will be offered instead.)

Hayworth (R-AZ) #14: 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, 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’.”

Brown-Waite (R-FL) #18: States that of funds made available under School Improvement Programs, “\$25,296,000 is for carrying out subpart V of part D of title V of the Elementary and Secondary Education Act of 1965.”

According to the sponsor, this amendment would provide funding for the Reading is Fundamental program. Neither the bill text nor the committee report currently funds this program. The organization RIF, currently receives grant contracts from the Department of Education, and has numerous private sector donors. To see the list of contributors, please visit, <http://www.rif.org/about/partners/contributors.mspx>. **The amendment creates a \$25.3 million earmark for the Reading is Fundamental program.** According to RIF’s 2003 Annual Report, the organization received \$2.3 million from the Department of Education in 2003 (\$23 million less than this earmark amendment). For more information, please see www.rif.org.

Peterson (R-PA) #21: Increases by \$385.664 million the funds made available for Title II, the Health Resources and Services “for carrying out section 330A of the Public Health Service Act” relating to rural health; reduces the funds made available by the amount necessary for “every other account in this Act other than accounts” required by law to produce a total reduction in the amount of \$385.664 million.

Peterson (R-PA) #22: Reduces by \$37.336 million the available funds for Occupational Safety and Health Administration (OSHA) salaries and expenses; increases by \$37.336 million the available funds for the Health Resources and Services Administration (under HHS).

According to the sponsor, he intends for \$37 million increase in HRSA to go for the Rural Outreach Grant program and the Rural Health Research program. He states that Rural Outreach Grants go to a variety of providers, such as public health departments, Community Health Centers, Rural Health Clinics, mental health providers, and other community based organizations and that Rural Health Research funds eight centers across the country specializing in analysis of how federal policies impact rural providers. The committee reduced Rural Health programs from \$147 million to \$64 million, though the administration requested \$33 million.

Nadler (D-NY) #24: Increases by \$35.6 million the available funds for School Improvement Programs (from \$5,393,765,000 to \$5,358,165,000); reduces by \$35.6 million (from \$418,992,000 to \$383,392,000) the available funds for the Department of Education Organization Act under Title III, Departmental Management (for renting conference rooms and hiring passenger motor vehicles).

According to the sponsor, this increase in the School Improvement Programs will restore funding for Arts in Education programs. These programs were zeroed out in the Labor/HHS bill that was reported out of committee, and this would restore the \$35 million cut (providing level funding from FY05).

Bordallo (D-GU) #25: Prohibits available funds from being “used to enforce the limitations under section 1108 of the Social Security Act (SSA) on the amount certified for fiscal year 2006 with respect to title XIX of such Act with respect to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands but only insofar as such amount provided by this Act does not exceed \$9,480,000 for Guam, \$9,720,000 for the Virgin Islands, \$6,120,000 for American Samoa, and \$3,480,000 for the Northern Mariana Islands, and the amount otherwise provided by this Act for “Centers for Medicare and Medicaid Services-Program Management” is hereby reduced by the \$8,000,000.”

Section 1108 of the SSA (42 U.S.C. 1308) places funding ceilings on Medicaid reimbursements to the U.S. territories. This amendment would increase the funding ceiling for the specified territories (but not all territories listed in the U.S. Code) up to the amounts specified. These increases would more than double the current funding ceilings for these territories.

Neugebauer (R-TX) #4: The amendment states that none of the NIH's National Institute of Mental Health funds may go to two grants (1) #MH047313 (Perceptual Bases of Visual Concepts in Pigeons) and (2) #MH060105 (Perceived Regard and Relationship Resilience in Newlyweds). The pigeon study has received more than \$1.5 million from the Mental Health Institute over the last 15 years to study how pigeons can classify lifelike visual stimuli (such as "line drawings and computer renderings") into natural and artificial categories. The other study, which received \$345,161 in FY05, involves "a daily diary study of newlywed couples ... [who] will complete 14-day electronic diaries and relationship-functioning assessments for 4 consecutive years." The sponsor contends the funds at NIMH would be better spent on studying "serious mental illness." The amendment does not cut funds to NIMH, but would prevent the Institute from funding these two grants, and would free up any funds that would otherwise go to this grant for other mental health research.

Tancredo (R-CO) #3: The amendment would "direct the Secretary of Health and Human Services to conduct a study to determine whether or not there is a link between thimerosal in vaccines and autism."

Tancredo (R-CO) #2: Prohibits available funds from being used to "pay the salaries and expenses of personnel to carry out the provisions of section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173)."

According to the sponsor, "the amendment would defund the salaries and expenses necessary to carry out implementation of...the provision that provides \$1,000,000,000 for reimbursement of health providers for undocumented alien care." Additionally, the sponsor states, "Recently promulgated rules designed to implement the Section fall short of establishing any meaningful accountability measures for the money, and more importantly – they do not require information sharing with homeland security officials to ensure that illegal aliens are deported after their condition stabilizes. As a result, the same illegal aliens could conceivably receive medical care at taxpayer expense over, and over, and over again."

Kirk (R-IL) #5: Funds the Javits Gifted Education Program by \$11.1 million (from \$0 to \$11.1million). The sponsor indicates he intends this increase to come from a cut of \$11.1 million in the Education for Native Hawaiians account (from \$24.7 million to \$13.6 million). Note: there is not actually a decrease in the amendment text, because there is a lump sum for most of the education programs in the text of the bill, and the funding levels for individual education programs are detailed in the accompanying committee report. The Kirk amendment effectively delineates a portion of the lump sum in the bill for the Javits program, thus reducing the overall sum left for other programs. The sponsor states that the Javits program has supported programs in 125 state and local education districts since 1989, reaching two million gifted students nationwide.

Some conservatives have in the past indicated concern with Native Hawaiian funding (which the Kirk amendment decreases), given that the funding is dispersed to a group of people based solely on their race, and disbursed in a manner that treats a race of people similar to an Indian tribe. (For more information on why Native Hawaiians are not a tribe and why they should not be made into a tribe, please see the following brief from the Senate Republican Policy Committee: <http://rpc.senate.gov/files/Jun2205NatHawSD.pdf>).

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