

Rep. Sue Myrick (R-NC), Chairman Neil Bradley, Executive Director

230 Cannon House Office Building Washington, D.C. 20515



www.house.gov/burton/RSC

#### ph (202) 226-9717 • fax (202) 226-1633

## Legislative Bulletin.....September 30, 2003

#### **Contents:**

H.R. 2086—Office of National Drug Control Policy Reauthorization Act

**H.Res. 306**—Congratulating the New York Yankees on the occasion of their 100th anniversary **H.R. 3011** — To designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building" (*Schiff*)

H.Res. 357— Honoring the life and legacy of Bob Hope (Miller of Florida)

**H.R. 2075** — To designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building" **H.R. 1882**—Arthur "Pappy" Kennedy Post Office Building Designation Act

**S. 570**—To amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools

H.Con.Res. 282—Honoring the life of Johnny Cash

**H.Con.Res. 159**—Declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day

#### **Rolled Votes:**

Sandlin Motion to Instruct Conferees on H.R. 1—Medicare Prescription Drug Modernization Act of 2003

Pallone Motion to Instruct Conferees on H.R. 1308-the All-American Tax Relief Act

## H.R. 2086—Office of National Drug Control Policy Reauthorization Act (Souder)

<u>**Order of Business**</u>: The bill is scheduled to be considered on Tuesday, September 30<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary**: H.R. 2086 would reauthorize the Office of National Drug Control Policy, which was originally established as part of Public Law 105-277. Major changes to this original authorization made by H.R. 2086 are summarized here:

- Requires that the Director of the Office of National Drug Control Policy ("the Office") reject the adequacy of any budget request that:
  - Fails to provide adequate resources for drug interdiction and enforcement on the borders of the U.S.;
  - Includes funding for drug treatment activities that do not offer sufficient accountability measures;
  - Includes funds for activities of the Safe and Drug Free Schools Program that do not include a clear anti-drug message;

- Denies eligibility for a student loan, grant, or work assistance based on a drugrelated conviction for offenses <u>not</u> occurring during the student's enrollment under federal assistance (current regulations provide that an individual is ineligible for financial aid if they have a drug convictions, irrespective of whether the conviction occurred prior to enrollment);
- Fails to properly support and enhance federal drug treatment programs and capacity; and
- Requests funding for Department of Education activities in fiscal year 2005 (subject to exception).
- Reduces from \$5 million to \$1 million the maximum eligible amount for which a National Drug Control Program agency would have to submit to Congress a reprogramming or transfer of funds request.
- Requires the Director to submit a report to the President, the Secretary of State, and Congress on the major drug-transit and drug-producing countries and whether these countries cooperate with the United States in reducing the flow of drugs to the U.S.
- Creates a U.S. Interdiction Coordinator within the Office (appointed by the Director) to serve as the focal point for policies to interdict illegal drugs from the U.S.
- Requires that the Director submit to Congress a comprehensive strategy that addresses the increased threat from South American heroin.
- Requires the Secretaries of the Interior and Agriculture to jointly submit to the Director and to Congress an annual report on the quantity of illegal drug cultivation and manufacturing in the U.S. on federally owned and federally controlled lands.
- Requires the Attorney General to annually report to the Director and to Congress on the arrests for drug violations, prosecutions for drug violations by U.S. Attorneys, and seizures of drugs by each component of the Justice Department.
- Requires the Secretary of Homeland Security to annually report to Congress and the Director on the seizures of drugs by each component of DHS and on the air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of DHS.
- Requires the Secretary of Defense to annually report to Congress and the Director on the air and maritime patrol hours primarily dedicated to drug supply reduction missions undertaken by each component of DoD.
- Adjusts and expands the requirements for the President's annual submission to Congress of a national drug control strategy.
- Adds a section stating that the purposes of the existing High Intensity Drug Trafficking Areas Program are:

- --To reduce drug availability and facilitate cooperative efforts between federal, state, and local law enforcement agencies in areas with significant drug trafficking problems that harmfully impact other parts of the nation; and
- --To provide assistance to agencies to come together to assess regional threats, design coordinated strategies to combat those threats, share intelligence, and develop and implement coordinated initiatives to implement the strategies.
- Establishes a single Southwest Border high intensity drug trafficking area (rather than each border county as its own area). Sets procedures for *removal* from designation as a high intensity drug trafficking area. Requires a review of current designations.
- Authorizes funds for the High Intensity Drug Trafficking Areas Program to be used for anti-terrorism activities, as long as such funds are incidental to the primary mission of the Program. The Program Board must have equal representation of federal law enforcement and state and local law enforcement.
- Authorizes appropriations for the High Intensity Drug Trafficking Areas Program: --\$230 million for FY2004
  - --\$240 million for each of FY2005 and FY2006
  - --\$250 million for each of FY2007 and FY2008.

At least \$1 million of these funds each year would have to be used in high intensity drug trafficking areas with severe neighborhood safety and illegal drug distribution problems (primarily to ensure the safety of witnesses, operating a hotline for tips, etc.)

- NOTE: The Office of Management and Budget submitted a performance assessment with its FY2004 budget submission of the High Intensity Drug Trafficking Area Program and gave it a "Results Not Demonstrated" rating. The Program was appropriated <u>\$226.4 million</u> for FY2003.
- Replaces the Director of Technology with a Chief Scientist. Adds a new program for the transfer of technology to state and local law enforcement agencies (with priority assigned to border areas).
- > Repeals the President's Council on Counternarcotics.
- Establishes a new National Youth Anti-Drug Media Campaign to reduce and prevent illegal drug use among young people in the U.S. through mass media advertising. Encourages a focus on preventing youth marijuana use. Limits funds to \$1 million (\$2 million under certain circumstances) that can be spent on creative services each year. The Director would have to designate an independent entity to annually evaluate the effectiveness of the campaign. The vast majority of appropriated funds for the campaign would have to be used for buying advertising time and space (requirement varies by amount actually appropriated). <u>All expenditures must be matched by non-federal funds of equal value</u>.
- > For the National Youth Anti-Drug Media Campaign, the bill authorizes:

--\$195 million for each of FY2004 and FY2005; and

- --\$210 million for each of FY2006, FY2007, and FY2008.
- Prohibits funds made available for the Media Campaign from being obligated or expended:
  - -- To supplant current anti-drug community-based coalitions;
  - --To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns;
  - --For partisan political purposes, or express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal;
  - --To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other federal officials;
  - --To fund advertising that does not contain a primary message intended to reduce or prevent illicit drug use; or
  - --To fund advertising containing a primary message intended to promote support for the media campaign or private sector contributions to the media campaign.
- > Repeals the existing media-campaign provisions.
- NOTE: The Office of Management and Budget submitted a performance assessment with its FY2004 budget submission of the *existing* Youth Anti-Drug Media Campaign and gave it a "Results Not Demonstrated" rating. The media campaign was appropriated <u>\$150.0 million</u> for FY2003.
- Authorizes "such sums as may be necessary" for the Office of National Drug Control Policy for FY2004-FY2008 (currently authorized at "such sums" for FY1999-FY2003).
- Extends the termination date of the Office to September 30, 2008 (currently set at September 30, 2003).

<u>**Committee Action**</u>: On May 15, 2003, the Subcommittee on Criminal Justice, Drug Policy and Human Resources marked up and forwarded the legislation by voice vote to the full Government Reform Committee. On June 5, 2003, the full Committee marked up and favorably reported the bill by voice vote to the full House. On July 9, 2003, the Judiciary Committee marked up and ordered the bill favorably reported by voice vote to the full House.

<u>**Cost to Taxpayers**</u>: CBO estimates that H.R. 2086 as reported would authorize appropriations of \$573.0 million in FY2004 and \$3.005 billion over the FY2004-FY2008 period.

**Does the Bill Create New Federal Programs or Rules?**: Yes, as identified above. (However, this legislation mostly reauthorizes existing programs and rules.)

<u>Constitutional Authority</u>: The Judiciary Committee, in House Report 108-167 Part II, cites constitutional authority in Article I, Section 8, but does not cite a specific clause. The Government Reform Committee, in House Report 108-167 Part I, cites constitutional authority in Article I, Section 8, Clauses 1 ("general welfare") and 18 ("necessary and proper").

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

# H.Res. 306—Congratulating the New York Yankees on the occasion of their 100th anniversary (*Serrano*)

<u>**Order of Business**</u>: The resolution is scheduled to be considered on Tuesday, September  $30^{\text{th}}$ , under a motion to suspend the rules and pass the bill.

<u>Summary</u>: H.Res. 306 would resolve that "the House of Representatives and the American people extend heartfelt congratulations to the New York Yankees on the occasion of its 100th anniversary, and express the sincerest gratitude to the entire organization."

Additional Background: The New York Yankees began as the Baltimore Orioles in 1901. When that franchise folded after only two seasons, two New Yorkers, Frank Farrell and Bill Devery, purchased it for \$18,000, making it New York's third Major-League team (the New York Giants and the Brooklyn Dodgers of the National League were the other two). Construction on Yankee Stadium (the first baseball facility to be labeled a "stadium") began on May 5, 1922, and was ready for its inaugural game on April 18, 1923 vs. the Boston Red Sox. Later that season, the Stadium hosted the first of 36 World Series, and the Yankees won their first World Championship over the New York Giants. The Stadium eventually became the stage for 26 World Series titles.

For more details on the extensive history of the New York Yankees, visit this website: <u>http://newyork.yankees.mlb.com/NASApp/mlb/nyy/history/anniversary.jsp</u>

The Yankees are the 2003 American League East champions and now move on to face the Minnesota Twins in the American League Division Series starting today (Tuesday, September  $30^{\text{th}}$ ).

<u>**Committee Action**</u>: On September 12, 2003, the Government Reform Committee marked up and favorably reported the resolution by unanimous consent to the full House.

<u>Cost to Taxpayers</u>: The resolution would authorize no expenditure.

#### Does the Bill Create New Federal Programs or Rules?: No.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

# H.R. 3011 — To designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building" (*Schiff*)

<u>Order of Business</u>: The bill is scheduled to be considered on Tuesday, September 30, 2003, under a motion to suspend the rules and pass the bill.

**Summary**: H.R. 3011 designates the United States Postal Service facility located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building."

<u>**Committee Action**</u>: H.R. 3011 was introduced on September 4, 2003, and referred to the Committee on Government Reform, from where it was reported by unanimous consent on September 18, 2003.

<u>Cost to Taxpayers:</u> The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

#### Does the Bill Create New Federal Programs or Rules?: No.

<u>Constitutional Authority</u>: Though no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to "establish Post Offices and post Roads."

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

## H.Res. 357—Honoring the life and legacy of Bob Hope (Miller of Florida)

**Order of Business**: The resolution is scheduled to be considered on Tuesday, September 30, 2003, under a motion to suspend the rules and pass the bill.

<u>Summary</u>: H.Res. 357 has nine findings regarding the life and accomplishments of Bob Hope and resolves that the House of Representatives:

- "honors Bob Hope for his legendary career as an entertainer, decades of dedicated service to the men and women of the Armed Forces, and his many philanthropic and humanitarian acts; and
- "expresses condolences on his passing to his wife Dolores, their children, and grandchildren."

<u>Additional Information</u>: Bob Hope was born on May 29, 1903, and died on July 27, 2003. For more than five decades Bob Hope entertained the nation's troops overseas with the USO (United Service Organizations), putting on shows during World War II, the Korea War, the Vietnam War, and the first Persian Gulf War. In 1962, Bob Hope received the Congressional Gold Medal, in recognition of his service to his country and the cause of peace, and in 1969

he received the Presidential Medal of Freedom, in honor of his gifts of joy to all the American people. He was the first person ever to be recognized by the United States Congress as an honorary veteran and received the Distinguished Service Medal from each branch of the Armed Forces.

<u>**Committee Action</u>**: H.Res. 357 was introduced on September 5, 2003, and referred to the Committee on Government Reform, from where it was reported by unanimous consent on September 18, 2003.</u>

Cost to Taxpayers: None.

#### Does the Bill Create New Federal Programs or Rules?: No.

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

## H.R. 2075 — To designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building" (*Hastings of Florida*)

<u>Order of Business</u>: The bill is scheduled to be considered on Tuesday, September 30, 2003, under a motion to suspend the rules and pass the bill.

<u>Summary</u>: H.R. 2075 designates the United States Postal Service facility located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building."

<u>Additional Information</u>: Judge Edward Rodgers is currently chairman of the Riviera Beach City Council. He served in several Palm Beach County courts for 22 years until his retirement in 1995. He continues to sit on the bench as a senior judge and serves as a mediator. He attended Florida A&M University Law School and was ranked number one in a six-person class to graduate in 1963. Within two years, he was appointed as the county's first black prosecutor and then as the first black judge, in which capacity he served in civil, criminal, and probate courts.

<u>Committee Action</u>: H.R. 2075 was introduced on May 13, 2003, and referred to the Committee on Government Reform, from where it was reported by unanimous consent on September 19, 2003.

<u>Cost to Taxpayers</u>: The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

#### Does the Bill Create New Federal Programs or Rules?: No.

<u>Constitutional Authority</u>: Though no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to "establish Post Offices and post Roads."

#### Does the Bill Create New Federal Programs or Rules?: No.

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

## H.R. 1882—Arthur "Pappy" Kennedy Post Office Building Designation Act (Brown, Corrine)

<u>**Order of Business**</u>: The bill is scheduled to be considered on Tuesday, September 30<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary**: H.R. 1882 would designate the U.S. Postal Service facility located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office."

<u>Additional Background</u>: Arthur "Pappy" Kennedy was the first black City Commissioner of Orlando, Florida, and an activist with such organizations as the NAACP and the United Negro College Fund.

<u>**Committee Action**</u>: On September 12, 2003, the Government Reform Committee marked up and favorably reported the bill by unanimous consent to the full House.

<u>**Cost to Taxpayers**</u>: The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

#### Does the Bill Create New Federal Programs or Rules?: No.

<u>**Constitutional Authority</u>**: Though no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to "establish Post Offices and post Roads."</u>

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

# S. 570—To amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools (Sen. Ensign)

<u>Order of Business</u>: The bill is scheduled for consideration on Tuesday, September 30<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary**: S. 570 amends the Higher Education Act (HEA) by exempting graduate medical schools or veterinary schools located outside the United States from a requirement that they

be a public or other nonprofit institution in order to be eligible under Title IV of HEA (student assistance).

The bill further exempts foreign veterinary schools from current-law requirements, such as the requirement that 60 percent of students and graduates received a passing grade in the previous year on examinations administered by the Educational Commission for Foreign Medical Graduates and that the institution has a clinical training programs approved by a state as of January 1, 1992, but retains them for foreign graduate medical schools. S. 570 also requires the students of a foreign veterinary institution that is neither public nor nonprofit to complete their clinical training at an approved veterinary school located in the United States (current law applies the this requirement to all foreign veterinary schools).

Additional Background: S. 570 passed the Senate by unanimous consent on July 16.

<u>**Committee Action**</u>: The bill was referred to the Committee on Education and the Workforce, but was not considered.

Cost to Taxpayers: A cost estimate is not available.

**Does the Bill Create New Federal Programs or Rules?**: The bill makes changes to current requirements within the Higher Education Act, but does not create any new programs.

<u>**Constitutional Authority**</u>: A committee report citing constitutional authority is not available.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

## H.Con.Res. 282—Honoring the life of Johnny Cash (Cooper)

<u>**Order of Business**</u>: The resolution is scheduled for consideration on Tuesday, September  $30^{\text{th}}$ , under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 282 resolves that Congress:

"(1) honors the life and accomplishments of Johnny Cash;

"(2) recognizes and honors Johnny Cash for his invaluable contributions to the Nation, Tennessee, and our musical heritage; and

"(3) extends condolences to the Cash family on the death of a remarkable man."

<u>Additional Background</u>: Country music singer Johnny Cash passed away on September 12, 2003. Throughout his career, he received extensive recognition, including membership in the Grand Old Opry; induction into the Nashville Songwriters Hall of Fame, the Country Music Hall of Fame, and the Rock and Roll Hall of Fame; and receipt of numerous awards, including Kennedy Center Honors, 11 Grammy Awards, and the 2001 National Medal of Arts.

**<u>Committee Action</u>**: The resolution was referred to the Committee on Education and the Workforce and reported by unanimous consent on September 25.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

## H.Con.Res. 159—Declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. Kin and Representative Ed Rees to the enactment into law of the observance of Veterans Day (Moran of Kansas)

<u>**Order of Business**</u>: The resolution is scheduled for consideration on Tuesday, September  $30^{\text{th}}$ , under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 159 resolves that Congress:

"(1) encourages Americans to demonstrate their support for veterans on Veterans Day by treating that day as a special day of remembrance;

"(2) declares Emporia, Kansas, to be the founding city of Veterans Day;

"(3) recognizes Alvin J. King, of Emporia, Kansas, as the founder of Veterans Day; and

"(4) recognizes that Representative Ed Rees, of Emporia, Kansas, was instrumental in the efforts to enact into law the observance of Veterans Day."

<u>Additional Background</u>: According to the resolution, in 1953 Alvin J. King of Emporia, Kansas, proposed that Armistice Day be changed to Veterans Day, and Veterans Day was first organized and celebrated in Emporia, Kansas. On June 1, 1954, President Eisenhower signed into law legislation proclaiming November 11 as Veterans Day (Public Law 380 of the 83rd Congress).

<u>**Committee Action**</u>: The Committee on Veterans' Affairs reported the resolution by voice vote on June  $26^{\text{th}}$ .

<u>Cost to Taxpayers</u>: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

<u>**Constitutional Authority**</u>: The Committee on Veterans' Affairs, in House Report 108-196, cites Article I, Section 8 and Article IV, Section 3 but does not cite specific clauses.

Staff Contact: Lisa Bos, <u>lisa.bos@mail.house.gov</u>, (202) 226-1630

# Sandlin Motion to Instruct Conferees on H.R. 1—Medicare Prescription Drug Modernization Act of 2003

<u>Order of Business</u>: On Thursday, September 25, 2003, Rep. Sandlin (D-TX) offered a motion to instruct conferees on H.R. 1, the Medicare Prescription Drug Modernization Act of 2003. A nearly identical motion offered by Rep. Stenholm failed by a vote of 202-213 on September 23 (<u>http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=510</u>), as did a similar motion offered by Rep. Kind by a vote of 199-220 on September 25 (<u>http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=510</u>), as

Summary of Motion: Directs the House conferees:

- To recede to the Senate language on a federal fallback drug plan.
- To reject the House provisions revising inpatient payments for acute care hospitals (the House bill provides for payments in 2004-2006 of market basket minus 0.4%, which the Senate has no provision).
- To recede to the Senate on a variety of provisions related to rural health care in Title IV or to the House provision, generally based on whichever is more generous (note: conferees have already reached agreement on several rural health issues). The Senate provisions are as follows:
  - Increased payments for low volume hospitals (no House provision. CBO score of <u>\$1.9 billion</u>).
  - Elimination of DSH cap for small hospitals (House increases the cap. CBO score of <u>\$3 billion</u>).
  - Increase to 25 beds that could be used for acute care in critical access hospitals (conferees have agreed to this provision)
  - Elimination of isolation test for critical access hospital ambulance services (House provides exemption for first responders).
  - Exclusion of critical access hospitals from wage indexing.
  - Establishment of a Rural Community Hospital Demonstration Program
  - Establishment of Critical Access Hospital Improvement Demonstration Program.
  - Increased DSH payments for hospitals with high indigent care revenues (no House provision. CBO score of \$100 million).
  - Set floor on work geographic adjusters for payment of physicians at .98 in 2004 and sets floor of 1.0 on work, practice, expense, and malpractice geographic adjusters from 2005-2007 (House bill sets work geographic adjuster at 1.0 for 2004 and 2005. CBO score for House provision is \$0.6 billion, Senate provision is \$4.8 billion).
  - Two year 5% increase for rural ambulance payments, starting Jan. 1, 2005.
  - Payment of 100% of costs for clinical diagnostic tests furnished by sole community hospitals
  - o GAO study of geographic differences in physician payments.
  - Authorization of payment for all Part B services provided by Indian hospitals and clinics.

- Caps home health wage index changes at 3% (no House provision. CBO score of \$200 million).
- Two year 10% increase in payments for rural home health (House bill has two year 5% increase, CBO score of Senate provision is \$400 million).
- Increase in Medicaid DSH allotment for 2004 and 2005.

House provisions:

- Immediate increase of uniform standardized amount in rural and small urban hospitals
- New essential rural hospital classification under which hospital would be paid 102% of costs for inpatient and outpatient services (No Senate provision, CBO score of \$400 million).
- Increased payments for critical access hospitals to 102% of costs (conferees have agreed to increase to 101% of costs).
- On-call payments to physician assistants, nurse practitioners, and clinical nurse specialists in critical access hospitals (conferees have agreed to this provision).
- Reinstatement of periodic interim payment for critical access hospitals (conferees have agreed to this provision).
- Decreases labor share from 71% to 62% in low wage areas, starting in FY 2004 (Senate has same provision starting in FY 2005, House provision costs \$400 million more than Senate provision).
- Authorizes incentive payments for physician scarcity areas.
- Wage index classification reform increasing wage index for certain hospitals.
- Sets a minimum update of 1.5% to the physician fee schedule for 2004 and 2005 (no Senate provision, CBO score of \$200 million).
- Medicaid DSH allotment increase in FY 2004 equal to 120% of FY 2003. Future payments increase by CPI-U.

<u>Cost to Taxpayers</u>: Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

## Pallone Motion to Instruct Conferees on H.R. 1308—the All-American Tax Relief Act

**Order of Business**: On Thursday, September 25, 2003, Rep. Frank Pallone (D-NJ) offered a motion to instruct conferees on H.R. 1308—the All-American Tax Relief Act.

<u>**Text of Motion**</u>: The text of the Pallone motion is identical to the text of other Democrat motions offered in recent months:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides immediate

payments to taxpayers receiving additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conference shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of astronauts who died in the *Columbia* disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees, and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

<u>Additional Background</u>: Substantively identical Democrat motions to instruct failed on numerous occasions recently:

DeLauro Motion, July 16<sup>th</sup>: 206-220 http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=370

Michaud Motion, July 17<sup>th</sup>: 202-214 http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=390

Bell Motion, July 18<sup>th</sup>: 188-201 http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=396

Van Hollen Motion, July 21<sup>st</sup>: 193-212 http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=398

Ross Motion, July 25<sup>th</sup>: 202-214 http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=446

Bishop (NY) Motion, July 25<sup>th</sup>: 206-216 http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=447

Solis Motion, July 25<sup>th</sup>: 202-221 http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=449 Cooper Motion, September 5<sup>th</sup>: 186-210 http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=477

Ruppersberger Motion, September 10<sup>th</sup>: 206-213 http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=493

Davis (TN) Motion, September 10<sup>th</sup>: 195-214 http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=501

Ryan (OH) Motion, September 23<sup>rd</sup>: 199-214 http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=509

To view the RSC Legislative Bulletin on H.R. 1308, as it was considered in the House, visit this webpage: <u>http://www.house.gov/burton/RSC/LB61203A.pdf</u>

<u>Cost to Taxpayers</u>: Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718