

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3293) MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010, AND FOR OTHER PURPOSES

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JULY 23, 2009.—Referred to the House Calendar and ordered to be printed

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Mr. HASTINGS, from the Committee on Rules  
submitted the following

## R E P O R T

[To accompany H. Res. 673]

The Committee on Rules, having had under consideration House Resolution 673, by a record vote of 7 to 4, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3293, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill except those arising under clauses 9 or 10 of rule XXI. The resolution provides that the bill shall be considered as read through page 134, line 12. The resolution waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI.

The resolution makes in order the amendments printed in this report. The resolution provides that each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this 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. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI.

The resolution 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 resolution provides one motion to recommit with or without instructions.

The resolution 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 resolution 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 and that the Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII). Finally, the resolution provides that during consideration of the bill, the Chair may reduce to two minutes the minimum time for electronic voting.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except those arising under clauses 9 or 10 of rule XXI) includes waivers of (1) section 302(f) of the Congressional Budget Act (regarding consideration of legislation providing new budget authority in excess of a subcommittee's 302(b) allocation of such authority) and (2) clause 4 of rule XIII (requiring a three-day layover of the committee report and requiring the three-day availability of printed hearings on a general appropriations bill).

The rule waives clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill) against provisions in the bill.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 225*

Date: July 23, 2009.

Measure: H.R. 3293.

Motion by: Mr. Dreier.

Summary of motion: To grant an open rule.

Results: Defeated 4-7.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea.

##### *Rules Committee record vote No. 226*

Date: July 23, 2009.

Measure: H.R. 3293.

Motion by: Mr. Dreier.

Summary of motion: To amend the description of the Obey amendment to be included in the accompanying report to separately list any amendment previously submitted which was later included in the Obey amendment as revised including the name of the sponsor of such amendment.

Results: Defeated 4-7.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea.

*Rules Committee record vote No. 227*

Date: July 23, 2009.

Measure: H.R. 3293.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Reps. Lewis, Jerry (CA) and Paulsen (MN), #10, which would prohibit any funds in the bill from being used by the Secretary of Health and Human Services to promulgate, issue, implement, administer or enforce any regulation with respect to a program of health insurance that did not exist as of July 15, 2009.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea.

*Rules Committee record vote No. 228*

Date: July 23, 2009.

Measure: H.R. 3293.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Reps. Tiahrt (KS), Herger (CA) and Roe (TN), #11, which would prohibit any funds in the bill from being used to make coverage or reimbursement decisions in any government-run health insurance program (including Medicare, Medicaid, SCHIP) if those decisions are based on comparative effectiveness research.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea.

*Rules Committee record vote No. 229*

Date: July 23, 2009.

Measure: H.R. 3293.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Camp (MI), #12, which would disallow funds from being used by any entity that is not the Centers for Medicare & Medicaid Services to set Medicare prices for benefits under Medicare Parts A (hospital insurance) and B (medical insurance).

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea.

*Rules Committee record vote No. 230*

Date: July 23, 2009.

Measure: H.R. 3293.

Motion by: Mr. Diaz-Balart.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Kingston (GA), #17, which would allocate \$20 million for technology-based reviews from the \$50 million provided for the purpose of conducting improper Unemployment Insurance payment reviews.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea.

*Rules Committee record vote No. 231*

Date: July 23, 2009.

Measure: H.R. 3293.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Reps. Kline, John (MN) and Tiahrt (KS), #23, which would increase funding for IDEA Grants to States by \$1 billion to help meet the federal commitment to provide 40% of the excess cost of educating disabled children. The amendment is offset by: (1) reducing the increases proposed for the Corporation for National and Community Service and new grant awards under the Fund for the Improvement of Education; (2) eliminating the Global AIDS Fund transfer to USAID; (3) eliminating funding for new programs such as the proposed Career Pathways Innovative Fund, Green Jobs, Workforce Data Quality Initiative and the National Teacher Recruitment Campaign; and (4) eliminating funding for lower priority programs such as Teaching of Traditional American History, Smaller Learning Communities and Education Technology State Grants.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea.

*Rules Committee record vote No. 232*

Date: July 23, 2009.

Measure: H.R. 3293.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA) and Stearns (FL), #26, which would prohibit funding in the bill from being made available to ACORN or any of its affiliate organizations.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea.

*Rules Committee record vote No. 233*

Date: July 23, 2009.

Measure: H.R. 3293.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Reps. Graves (MO) and Bonner (AL), #27, which would prohibit funds from being used to establish a

Federal health insurance mandate on small businesses (as defined in section 3 of the Small Business Act (15 U.S.C. 632)).

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea.

*Rules Committee record vote No. 234*

Date: July 23, 2009.

Measure: H.R. 3293.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Reps. Carter (TX) and Burton (IN), #5, which would block federal appropriations from being used to implement a plan at Department of Education that would promulgate, amend, or repeal any regulations pertaining to the Federal Family Education Lending Program (FFELP).

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea.

*Rules Committee record vote No. 235*

Date: July 23, 2009.

Measure: H.R. 3293.

Motion by: Mr. Hastings.

Summary of motion: To report the rule.

Results: Adopted 7–4.

Vote by Members: McGovern—Yea; Hastings—Yea; Matsui—Yea; Arcuri—Yea; Perlmutter—Yea; Pingree—Yea; Polis—Yea; Dreier—Nay; Diaz-Balart—Nay; Sessions—Nay; Foxx—Nay.

#### SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Obey (WI): Would (1) increase funding for the Careers Pathways Innovation Fund by \$5 million, offset by a \$5 million decrease to the funding for the Green Jobs Fund, both within the Training and Employment Services account in the Department of Labor; (2) increase funding for the Health Resources and Services Administration by \$1 million for the Emergency Medical Services for Children program, offset by a \$1 million decrease to the funding for Department of Labor Departmental Management; (3) increase funding for the Centers for Disease Control and Prevention National Center for Health Statistics by \$1 million to support the collection of vital statistics data, offset by a \$1 million decrease to the funding for HHS General Departmental Management; (4) make a technical correction by inserting the legal citation (title IV of the Public Health Service Act) within the HHS Office of the Secretary for the Caroline Pryce Walker Conquer Childhood Cancer Act of 2008; (5) increase funding for Mathematics and Science Partnership program in the School Improvement Programs account of the Department of Education by \$5 million, offset by a reduction to the Fund for the Improvement of Education in the Innovation and Improvement account of the Department of Education; (6) provide \$6.965 million for the Reach Out and Read program within the Fund for the Im-

provement of Education in the Innovation and Improvement account of the Department of Education; (7) increase by \$10 million the funding that may be used for grants to charter management organizations to replicate successful charter models within the Charter School program under the Innovation and Improvement Account in the Department of Education; (8) provide \$1 million for Modeling and Simulation programs authorized under section 891 of the Higher Education Act in the Higher Education account in the Department of Education, offset by a reduction to the Fund for the Improvement of Education in the Innovation and Improvement account of the Department of Education; (9) include a prohibition on the use of funds in this Act to purchase light bulbs unless the light bulbs are "Energy Star" qualified or have the "Federal Energy Management Program" designation; and (10) include a prohibition on the use of funds in this Act for first-class travel by the employees of agencies funded by this Act in contravention of Federal travel regulations. (20 minutes)

2. Souder (IN): Would prohibit funding for any program which distributes sterile needles or syringes for the hypodermic injection of any illegal drug. (20 minutes)

3. Issa (CA): Would prohibit the National Institute of Health (NIH) from funding three grants that research alcohol and substance use and the increased HIV risks they may raise among prostitutes in Thailand and China and hospitalized Russian alcoholics. (10 minutes)

4. Pence (IN)/Cao (LA)/Franks (AZ)/Lamborn (CO)/Terry (NE)/Pitts (PA)/Smith (NJ)/Latta (OH): Would provide that none of the funds in the bill be available to Planned Parenthood for any purpose under title X of the Public Health Services Act (Population Research and Voluntary Family Planning Programs). (10 minutes)

5. Wittman (VA)/Price, Tom (GA)/Blackburn (TN)/Jordan (OH)/Broun (GA)/Bishop, Rob (UT)/Burton (IN)/Cassidy (LA)/Chaffetz (UT)/Conaway (TX)/Goodlatte (VA)/Inglis (SC)/Lamborn (CO)/Lummis (WY)/Neugebauer (TX)/Sessions (TX)/Herger (CA)/McMorris Rodgers (WA)/Stearns (FL)/Johnson, Sam (TX): Would reduce appropriations in the bill by \$803,270,000. (10 minutes)

#### TEXT OF AMENDMENTS TO BE MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OBEY, OF WISCONSIN, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 8, line 3, insert "(reduced by \$5,000,000)" after the dollar amount.

Page 8, line 12, insert "(increased by \$5,000,000)" after the dollar amount.

Page 26, line 24, insert "(reduced by \$1,000,000)" after the first dollar amount.

Page 33, line 14, insert "(increased by \$1,000,000)" after the first dollar amount.

Page 39, line 10, insert "(increased by \$1,000,000)" after the aggregate dollar amount.

Page 40, line 10, insert "(increased by \$1,000,000)" after the dollar amount.

Page 40, line 12, insert "(reduced by \$1,000,000)" after the dollar amount.

Page 65, line 13, after “III,” insert “IV,”.

Page 65, line 17, insert “(reduced by \$1,000,000)” after the aggregate dollar amount.

Page 84, line 17, insert “(increased by \$5,000,000)” after the aggregate amount.

Page 84, line 18, insert “(increased by \$5,000,000)” after the dollar amount.

Page 86, line 25, insert “(reduced by \$6,000,000)” after the aggregate dollar amount.

Page 87, line 9, insert “(reduced by \$9,000,000)” after the dollar amount.

Page 88, line 24, insert “(increased by \$10,000,000)”.

Page 90, line 6, insert before the period at the end the following: “: *Provided further*, That \$6,965,000 of the funds available to carry out subpart I of part D of title V of the ESEA shall be used for the Reach Out and Read program”.

Page 97, line 18, insert “(increased by \$1,000,000)” after the first dollar amount.

Page 100, line 2, after the colon, insert the following: “*Provided further*, That of the funds available under part B of title VII of the HEA, \$1,000,000 shall be used to implement section 891 of the HEA.”.

At the end of the bill (before the short title), insert the following:

SEC. 11. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs are “Energy Star” qualified or have the “Federal Energy Management Program” designation.

SEC. 11. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.124 of title 41, Code of Federal Regulations.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SOUDER OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of the bill (before the short title), insert the following:

SEC. 11. None of the funds made available by this Act may be used to provide individuals with hypodermic needles or syringes under section 300ee–5 of title 42, United States Code.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ISSA OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill (before the short title), insert the following:

SEC. 524. (a) None of the funds provided in this Act under the heading “National Institutes of Health—National Institute on Drug Abuse” shall be available for grant number 1R21DA026324–01A1 (Substance Use and HIV Risk among Thai Women).

(b) None of the funds provided in this Act under the heading “National Institutes of Health—National Institute on Alcohol Abuse and Alcoholism” shall be available for grant number 1R01AA018090–01 (Venue-based HIV and alcohol use risk reduction among female sex workers in China), or grant number

5R01AA016059-03 (Maximizing Opportunity—HIV Prevention in Hospitalized Russian Drinkers).

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PENCE OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill (before the short title), insert the following:  
SEC. 511. None of the funds made available under this Act shall be available to Planned Parenthood for any purpose under title X of the Public Health Services Act.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WITTMAN OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, before the short title, insert the following:  
SEC. 524. Appropriations made in this Act are hereby reduced in the amount of \$803,270,000.