

Tuesday, July 17, 2007

House Meets At...	Votes Predicted At...
9:00 a.m. For Morning Hour 10:00 a.m. For Legislative Business	Last Vote: Evening
Fifteen "One-minutes" Per Side	

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

Floor Schedule and Procedure

- **Suspension Bill:** Today, the House will consider one bill on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
 1. **H.R. 980** - Public Safety Employer-Employee Cooperation Act of 2007 (*Rep. Kildee – Education and Labor*)
- **Motion to go to Conference on H.R. 1 - Improving America's Security Act of 2007.**
- **Possible Republican Motion to Instruct Conferees on H.R. 1:** If offered, there will be one hour of debated on the Republican motion to instruct conferees on H.R. 1.
- **Complete consideration of H.R. 2641 – 2008 Energy and Water Appropriations (Rep. Visclosky - Appropriations):** The remaining portion of the bill to be debated will be limited to the Appropriations Committee's supplemental report on earmarked projects in the bill. Only those amendments which are covered by the unanimous consent agreement will be considered. Accordingly, debate will be managed by Appropriations Committee Chairman Rep. David Obey, or his designee, and will proceed as follows:
 - Debate and votes on amendments to the supplemental report to H.R. 2641.
 - Possible debate and vote on a Republican motion to recommit the bill.
 - Vote on final passage of the bill. **Democrats are urged to vote yes on final passage.**

- **H. Res. 547-Rule providing for consideration of H.R. 3043 – Departments of Labor, Health and Human Services, and Education, and related agencies appropriations bill, 2008 (Rep. Matsui-Rules):**
The open rule provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Matsui and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic motion to move the previous question. **Democrats are urged to vote yes on the motion.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes on adoption of the rule.**
- **H.R. 3043 – Departments of Labor, Health and Human Services, and Education, and related agencies appropriations bill, 2008 (Chairman Obey-Appropriations):** Pursuant to the rule, debate on the bill will be managed by Appropriations Committee Chairman Rep. David Obey, or his designee, and will proceed in the following order:
 - One hour of debate on the bill.
 - Debate and votes on amendments to the bill.
 - Possible debate and vote on a Republican motion to recommit the bill.
 - Vote on passage of the bill. **Democrats are urged to vote yes on final passage.**

Bill Summary and Key Issues

H.R. 2641 – 2008 Energy and Water Appropriations

DEPARTMENT OF ENERGY: \$25.243 billion, \$1.150 billion above 2007 and \$480 million above the President's request.

Office of Science: \$4.516 billion, \$116.2 million above the President's request and \$716.8 million above 2007 for basic scientific research, supporting 3,500 additional researchers and allowing almost all of the science facilities to operate at maximum capacity.

- **Climate Change Science:** \$150 million, \$20 million above the President's request and \$24 million above 2007 for research into Climate Change including: modeling using state-of-the-art super computers; monitoring radiation in the atmosphere; and long-term experiments on the impact of increased carbon dioxide levels on forests and other ecosystems.
- **Basic Energy Research:** \$208 million, \$30 million above the President's request and \$35 million above 2007 for research into improving technology for energy storage and generation.

• **Reducing Our Dependence on Foreign Oil in a Way that Cuts Greenhouse Gas Emissions:** \$1.9 billion, \$638 million above the President's request and \$400 million above 2007 for energy efficiency and renewable energy programs.

- **Solar Energy:** \$200 million, \$40.6 million over 2007 and \$51.7 billion above the President's request for research, development and demonstration projects to make solar energy affordable.

- **Biofuels:** \$250 million, \$50.3 million above 2007 and \$70.7 million above the President's request for research and development of alternative fuels such as corn based and cellulosic ethanol and biodiesel.
- **Vehicle Technology:** \$235.4 million, \$47.4 million above 2007 and \$59.3 million above the President's request to collaborate with industry on developing technologies for improved fuel efficiency such as improved batteries or engines that burn clean diesel.
- **Energy Efficient Buildings:** \$146.5 million, \$42.1 million above 2007 and \$60 million above the President's request for research into building and industrial conservation technologies that would reduce energy demand. This includes developing affordable, net-zero energy use homes.
- **Weatherization Grants:** \$245.6 million, \$101.6 million above the President's request level and \$41 million above 2007, for insulation and other cost-effective energy conservation measures, restoring the program to its 2006 funding level.
- **Hydropower:** \$22 million not funded in 2007 or in the President's request, to research new ways of generating power from water flow. (this is on top of the \$95 million for upgrades to existing hydropower dams funded under the Army Corps)
- **Geothermal Energy:** \$44.3 million, \$39.3 million above 2007 and eliminated in the President's request.

• **Nuclear Energy (Non-GNEP):** \$639.2 million, \$232.5 million above the President's request and \$324.5 million above 2007 including funding for a Next Generation Nuclear Power Plant at the Idaho National Lab that will use safer, more efficient technology.

Fossil Energy: \$708.8 million, \$142 million above the President's request and \$116.2 million above 2007 for: demonstration of technology that captures carbon exhaust as recommended in the MIT Coal report; improvements to existing coal power plants that were zeroed in the request; and the FutureGen initiative to create the world's first zero-emissions fossil fuel plant.

Environmental Clean-up: \$6.671 billion, \$358.8 million above the President's request and \$30.9 million below 2007 to clean up contamination from 60 years of manufacturing nuclear weapons and various cancelled projects for handling spent nuclear fuel. DOE has outstanding commitments to clean-up 23 sites in 14 states. These funds would allow DOE to finish clean up at a number of the smaller sites while continuing work at many of the larger ones.

Nuclear Nonproliferation: \$1.684 billion, \$11 million above the President's request and \$.3 million above 2007 bringing total available funding for nonproliferation to \$2.07 billion due to \$387 million available from prior years. Additionally, \$491 million in un-related work was transferred to other accounts, creating a 74% increase in funds for non-proliferation over last year. This includes work to secure nuclear weapons and materials in the former Soviet Republic, as well increasing efforts to keep them from getting into the United States.

- **International Atomic Energy Agency (IAEA) Nuclear Fuel Bank:** \$100 million to establish an IAEA nuclear fuel bank to create a reliable source of nuclear fuel for countries should their traditional sources be interrupted. This would eliminate the need for countries to develop their own nuclear fuel uranium enrichment programs.

Yucca Mountain: \$494.5 million, \$48.8 million above 2007, matching the President's request for nuclear waste disposal.

ARMY CORPS OF ENGINEERS: \$5.584 billion, \$246 million above 2007 and \$713.4 million above the President's request.

- **Operations and Maintenance:** \$2.655 billion, \$681.9 million above 2007 and \$184 million above the President's request to address an over \$1 billion backlog of operations and maintenance needs to sustain the coastal and inland navigation infrastructure critical to the U.S. economy.
- **Construction:** \$2.009 billion, \$327.5 billion above 2007 and \$485.9 below the President's request for projects including on-going measures to address gaps in flood protection put in the spotlight after the devastation of Hurricane Katrina.
- **Hydropower:** \$95 million to repair and update hydropower dams to increase energy production.
- **Management Reforms:** Continues management reforms instituted at the Corps of Engineers, including the requirement for five-year plans and limitations on reprogramming and contracting methods.

DEPARTMENT OF THE INTERIOR - Bureau of Reclamation and Central

Utah Project: \$1.073 billion, \$72 million above the President's request and \$13.9 million above 2007 for dams, canals, water treatment and conservation, and rural water projects.

SIGNIFICANT CUTS

Strategic Petroleum Reserve: \$163.5 million, \$168.1 million below the President's request and \$1 million below 2007, rejecting the President's proposal to double the size of the Strategic Petroleum Reserve so as to instead invest in conservation measures and alternative fuels.

Global Nuclear Energy Partnership (GNEP): \$120 million, \$285 million below the President's request and \$47.5 million below 2007 for the initiative to reprocess spent nuclear fuel and burn long-lived radioactive materials. It is unnecessary to rush into a plan that continues to raise concerns among scientists and has only weak support from industry given that there are reasonable options available for short term storage of nuclear waste and that this project will cost tens of billions of dollars and last for decades.

Weapons Programs: \$5.9 billion, \$632 million below the President's request and \$396 million below 2007 with cuts to 37 specific weapons program accounts.

- **New Facilities and the Reliable Replacement Warhead:** Prohibits the development of a reliable replacement warhead until the President has a post cold war strategic nuclear weapons plan necessary to guide transformation and downsizing of the stockpile and nuclear weapons complex away from its expensive Cold War configuration to a more affordable, sustainable structure.
- **Construction Mis-Management:** DOE construction management has remained on the [GAO High-Risk List](#) for seventeen years, improvements must be made before new efforts proceed.

Mixed Oxide Fuel Fabrication Facility (MOX): \$167.8 million, cut \$263.5 million below the President's request and \$115.1 million below 2007 because the Administration asked for more than could be spent in 2008 and last year's funds are sufficient to continue construction.

H.R. 3043 – Departments of Labor, Health and Human Services, and Education, and related agencies appropriations bill, 2008

KEY INVESTMENTS

Higher Education Access Deficit: Pell Grants. Between 2001 and 2006, the cost of attending a four-year public college increased by \$3,764 or 42 percent; however, the maximum Pell Grant increased by just \$300. For fiscal year 2008, the Administration's request would have cut the maximum Pell Grant in the discretionary budget from \$4,310 to \$4,050 and increased it to \$4,600 in the mandatory budget, partially offset by cuts to other student financial assistance programs. This bill increases the maximum Pell award by \$390 to \$4,700, on top of a \$260 increase provided in the 2007 Continuing Appropriations Resolution. Since January 2006, the Committee will have raised the maximum Pell Grant by a total of \$650 over two years, benefiting over 5.5 million low- and middle-income students.

K-12 Educational Opportunity Deficit: No Child Left Behind (NCLB). The President's 2002 NCLB legislation imposed strong mandates on States and local school districts, and set out an ambitious schedule for authorized funding levels. Nonetheless, the Administration's request fell \$14.7 billion short of the authorized NCLB level for fiscal year 2008. This bill provides a \$2.0 billion or 8.6 percent increase over fiscal year 2007 and \$1 billion over the request in nominal terms. After adjusting for inflation and population growth, the bill's increase in real terms is \$1.6 billion or 6.6 percent over last year's level.

Disabilities Educational Deficit: IDEA Part B grants. The President's budget proposed to cut IDEA Part B grants by \$291 million or 2.7 percent below the fiscal year 2007 level in nominal terms. In contrast, the bill provides a \$509.5 million or 4.7 percent increase over fiscal year 2007, and a \$800.5 million increase over the Administration's request in nominal terms. In real terms, the bill provides a \$299 million or 2.8 percent increase over last year. This investment reverses a two-year decline in the Federal contribution toward the rising costs of special education for 6.9 million children with disabilities.

Child Care and Early Childhood Education Deficit: Child Care and Head Start. The Administration's request once again froze funding for the Child Care Block Grant and cut Head Start centers by \$100 million below the fiscal year 2007 level in nominal dollars. In contrast, this bill first provides \$75 million or 3.6 percent over fiscal year 2007 for the Child Care Block Grant, amounting to a 1.7 percent increase in real terms. Second, the bill increases Head Start by \$75 million or 1.4 percent over fiscal year 2007 and \$175 million over the request in nominal dollars (although a 0.8 percent cut in real terms). Third, it allocates \$5.0 million for new child care centers at Job Corps sites.

Medical Research Deficit: National Institutes of Health (NIH). Between 2003 and 2006, the annual number of new and competing research grants that NIH could support actually dropped 1,282 research grants, a drop of 12 percent. The Committee began to address this negative trend with a \$620 million increase for NIH in fiscal year 2007 to reverse another projected cut in new NIH research project awards and to support an additional 992 research grants over the fiscal year 2006 level. This bill provides a \$750 million increase for fiscal year 2008, which is \$1.0 billion more than the President's request in nominal dollars. As a result of this bill, NIH will be able to support another 545 new and competing research grants over last year's level and 1,262 over the President's request. This bill also lifts a two-year freeze on the average cost of new research grants; helps train the next generation of researchers; and provides \$110.9 million for the landmark National Children's Study and \$300 million for the global AIDS fund.

Public Health Deficit: Pandemic Flu. In November of 2005, the President requested \$6.7 billion in emergency supplemental funding for the Department of Health and Human Services to protect the public against a potential influenza pandemic that could kill or injure 90 million Americans. Congress provided the first two installments, but failed to fully fund the request, leaving a \$1.0 billion shortfall. This bill provides \$1.1 billion – belatedly meeting that obligation. The bill also includes \$5 million to create a new fund to compensate any individuals that might be harmed by the H5N1 influenza vaccine.

Five Initiatives to Address the Family Health Care Deficit. The fiscal year 2007 Continuing Resolution expanded access to health care for 1.2 million people by adding \$207 million for community health centers. This bill adds to that initiative in five ways:

- First, the bill provides another \$200 million or 10.1 percent increase in nominal terms over fiscal year 2007 and the President's request for **community health centers**; this increase would serve an additional one million uninsured people.
- Second, the bill provides \$75 million for **State health access grants**, a new initiative to provide start up grants to States that are ready with plans to expand health care coverage to targeted groups.
- Third, the bill includes \$50 million to assist States in providing **high risk insurance pools** to support affordable insurance for almost 200,000 people who are medically high risk and are not able to obtain health insurance in the commercial market.
- Fourth, the bill provides \$45 million for **health insurance counseling** so that 45 million Medicare beneficiaries can understand and utilize their benefits.
- Fifth, the bill provides up to \$20 million in Labor Department funds for State **"gap filler" grants** to increase the number of trade-impacted workers who are able to take advantage of the Health Coverage Tax Credit. Studies show that as few as 10 - 12 percent of eligible workers currently benefit from this tax credit.

HHS/Rural health/AHECS/NHSC. The Administration again proposed to cut vital rural health programs by \$162 million or 53.7 percent in fiscal year 2008. This bill rejects these cuts and, instead, provides \$307 million for rural health programs, area health education centers, and the National Health Service Corps. This amount is \$4.9 million or 1.6 percent more than last year and \$167

million more than the request in nominal dollars. These programs support more than 1,200 small, at-risk rural hospitals, create health care networks for more than 775,000 rural residents in underserved communities, provide access to emergency defibrillation devices, and support rural health research centers and State rural health offices.

HHS/Low-Income Home Energy Assistance. Last year, Congress cut \$1 billion from the amount available in the previous year for low-income home energy assistance. For fiscal year 2008, the Administration proposed to cut this assistance by \$379 million or 17.5 percent below last year's level. This bill rejects that cut and restores half of the \$1 billion previously cut from LIHEAP. The additional funds in the bill will support critical energy assistance to approximately 1 million more low-income seniors and families than last year.

HHS/Community Services Block Grant. The bill includes \$660.4 million for the Community Services Block Grant, \$30 million or 4.8 percent more in nominal dollars than fiscal year 2007, to enable States to expand critical services, such as housing, home weatherization, parenting education, adult literacy classes, and emergency food assistance. In real terms, the bill provides a \$17.7 million or 2.8 percent increase.

HHS/World Trade Center. The need for monitoring and medical services for emergency responders and others who were exposed to the dust and debris at the World Trade Center site of the September 11, 2001 attacks has become increasingly urgent. While the Administration continues to evaluate data and ponder options for providing this necessary medical care, this bill provides \$50 million to address existing health monitoring and treatment needs of World Trade Center emergency responders. In addition, the Committee requests that the Administration develop and submit a comprehensive plan to address these critical needs.

HHS/Centers for Disease Control and Prevention (CDC). The Administration's request for CDC would have reduced funding for the Federal government's primary public health activities by 3.5 percent, or \$159.4 million – cutting childhood immunization, State and local public health emergency preparedness, and efforts to combat chronic diseases such as diabetes and heart disease and emerging infectious diseases. The bill rejects these cuts and provides \$6.5 billion for CDC, a \$255.2 million or 4.1 percent increase over fiscal year 2007 and \$475.2 million over the request to support critical public health activities. Priority increases in the bill include: \$34.5 million to combat chronic diseases such as heart disease, cancer, and stroke; \$59 million for childhood immunization reversing a 63 percent decline since 1999 in the number of individuals served; \$16 million for environmental health activities in order to better understand how the environment affects human health; \$57 million for occupational safety and health research; and \$9 million to carry out the new Johanna's Law to help prevent gynecologic cancers.

HHS/Substance Abuse and Mental Health Services Administration (SAMHSA). The Administration's request would have reduced mental health and substance abuse funding by 4.8 percent, leaving some of the most vulnerable in our society without access to proper treatment and prevention services. In contrast, the bill provides \$3.4 billion to address mental illness and substance

abuse disorders, which are estimated to cost the nation approximately \$407 billion per year, a \$66.8 million or 2 percent increase over fiscal year 2007 and \$226.3 million over the request. Included is an \$11.5 million or 25.2 percent increase for mental health services for the homeless, and increases of \$13 million for the Mental Health Block Grant and \$35 million for the Substance Abuse Prevention and Treatment Block Grant.

Job Training and Worker Protection Deficit. The bill provides a \$227.4 million or 1.9 percent increase over fiscal year 2007 for employment, training, and worker protection programs. In real terms, however, total funding in the bill for these programs does not keep pace with inflation and population growth. Nominal increases in the bill are provided for some priority programs, including a \$47.3 million or 9.8 percent nominal increase over fiscal year 2007 (a 7.7 percent increase in real terms) for the **Title V senior employment program** to pay for the second minimum wage increase for 103,000 low-income seniors. The bill also includes a \$63.6 million nominal increase (essentially a freeze in real terms) for **State unemployment insurance operations and the Employment Service**, helping States serve 6.8 million unemployed and 13 million jobseekers. The bill includes a \$43 million nominal increase (a 0.7 percent increase in real terms) for **Job Corps**, rejecting the Administration's proposal to cut 4,310 student training slots. It also provides a \$45.5 million nominal increase for **worker protection** programs key to improving safety and health for 113 million workers.

Social Security Administration (SSA). The bill provides \$9.7 billion for the administrative expenses of SSA, a \$401 million or 4.3 percent increase over fiscal year 2007 and \$100 million above the President's request in nominal dollars. In real terms, however, the increase is just \$221 million or 2.4 percent over last year's level. SSA provides monthly cash benefits to nearly 55 million Americans each year, and the increase will help to improve processing times for initial disability claims and hearings, which have increased in recent years. It will also help to reduce the backlog of disability cases as well as allow SSA to process additional disability reviews and SSI eligibility determinations.

Corporation for Public Broadcasting (CPB). The Administration's budget did not propose any funding for CPB and, worse, would have rescinded \$50 million from CPB's enacted fiscal year 2008 appropriation. This bill rejects these cuts and provides a \$420 million fiscal year 2010 advance appropriation for CPB - \$20 million or 5 percent more than the enacted fiscal year 2009 appropriation to support public broadcasting activities in 1,150 locally-owned television and radio stations across the country. In real terms, the increase provided in the bill is just \$12.2 million or 3.0 percent over last year's level. Digital conversion grants are flat-funded at \$29.7 million in nominal terms (a 1.9 percent cut in real terms), and \$26.8 million is provided for a new project to replace the national public radio satellite.

SIGNIFICANT CUTS

Program Consolidations and Eliminations: The bill eliminates several smaller programs including the Labor Department's working capital fund, Denali Commission funding in HHS and the Labor Departments, and the Department of Education's Exchanges with Historic Whaling and Trading Partners, Excellence in Economic Education, and the Underground Railroad Program.

The bill also consolidates programs in order to eliminate duplication, including multiple youth offender programs in the Labor Department; multiple early

childhood and charter school programs in the Department of Education, and multiple library services agencies.

Significant program cuts: The bill includes \$1.1 billion in cuts below the fiscal year 2007 level, of which, the most significant is a \$629 million or 61.1 percent reduction in funding for the Education Department's Reading First program. The Department of Education documented, in a series of six audits, significant mismanagement of the program, potential violations of Federal law, and ongoing conflicts of interest, resulting in referrals to the Justice Department for criminal investigations. Instead of investing significant resources into a program that must be reformed and re-authorized, the bill provides a \$1.9 billion increase for the Title I program to support evidence-based reading instruction for low-income students. In addition, the bill rescinds \$335 million from prior-year balances from the Workforce Investment Act.

OTHER IMPORTANT POLICY ITEMS

NIH Public Access: Mandates that articles describing research funded by NIH be provided to the National Library of Medicine (NLM) within 12 months of publication for access to the public.

Conflicts of Interest: Requires the Secretary of Education to implement procedures to vet conflicts of interest or bias among Departmental employees, peer reviewers, advisory council members, contractors and subcontractors and requires the IG to audit and certify the adequacy of such procedures.

Higher Education Accreditation: Prohibits the Department of Education from issuing regulations on the accreditation process for colleges and universities, for which the Department lacks sufficient authorization.

OSHA Personal Protective Equipment Regulation: Requires OSHA to issue a final regulation on employer payment for personal protective equipment (such as hard-hats, chemical protective suits or life-saving equipment) by November 2007. OSHA has been working on this regulation for 8 years.

Timetables for Key OSHA Regulations: Requires OSHA to submit quarterly reports with specific timetables and benchmarks for safety and health standards.

Fit Testing: Removes a provision that prevented OSHA from enforcing annual testing of TB respirators for nurses and other health care workers that left them vulnerable to infection due to ill-fitting equipment.

Corporation for Public Broadcasting (CPB): Prohibits CPB from using any political test or qualification in personnel actions

Quote of the Day

"Whenever men take the law into their own hands, the loser is the law. And when the law loses, freedom languishes." -Robert F. Kennedy