



March 16, 2006

**Possible Amendments to the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (H.R. 4939) — Part III**

The following contains information on the amendments included in the UC agreement providing for the consideration of certain amendments.

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**Sabo (D-MN).** The sponsor's office was unable to provide text of the amendment. According to the UC, the amendment is regarding Homeland Security funding.

**Jindal (R-LA).** Reduces funding by \$2 million (from \$9.55 billion to \$9.548 billion) for Disaster Relief; increases funding by \$2 million (from \$2.797 million to \$4.797 million) for Defense-Wide Procurement. According to the sponsor, the amendment would provide \$2 million for DOD's Technical Support Working Group to deploy (in hurricane affected states) existing technology that provides wireless, interoperable, mobile, encrypted broadband communications for first responders and related personnel in case of future disasters.

**Jindal (R-LA).** Reduces funding by \$50 million (from \$9.55 billion to \$9.548 billion) for Disaster Relief; increases funding by \$50 million (from \$550 million to \$600 million) for the Department of Veterans Affairs' Major Projects Construction. According to the sponsor, the purpose of the amendment is to provide funding to rebuild the New Orleans VA Medical Center.

**Jindal (R-LA).** Reduces funding by \$142.271 million (from \$9.55 billion to \$9.407 billion) for Disaster Relief; increases funding by \$142.271 million (from \$67.8 million to \$210.071 million) for Army National Guard Military Construction. According to the sponsor, the amendment would provide funds to rebuild the National Guard facilities in New Orleans.

**Millender-McDonald (D-CA).** Decreases then increases funding by \$20 million for the Defense Health Program. Thus, the amendment would have the effect of earmarking the funds for the sponsor's stated purpose: "\$20 million to expand the U.S. training capacity for

prosthetics and orthotics to the U.S. schools accredited by the National Commission on Orthotic and Prosthetic Education.”

**Gingrey (R-GA).** Strikes the section of the bill, which provides \$3 million to the Historic Preservation Fund for expenses relating to the consequences of Hurricane Katrina and other hurricanes.

**Brady (R-TX).** Strikes the words “the most” from the Community Development Fund section of the bill. According to the sponsor, this will allow all impacted areas of the 2005 hurricanes to be equally eligible for funding under Community Development. **The sponsor has indicated he will not be offering this amendment today.**

**Neugebauer (R-TX).** Eliminates all funding made available for Title II (Hurricane Disaster Relief).

**Paul (R-TX).** Inserts a new chapter into the bill providing \$546.1 million for the state of Texas for costs associated with Hurricane Katrina. The funding is to be allocated according to the following provisions:

- \$200 million for housing assistance under programs of the Departments of Housing and Urban Development and Agriculture for residents of the State of Texas and for residents of other States affected by the hurricanes who are temporarily residing in Texas and for community development block grant assistance;
- \$100 million for costs of uncompensated health care for victims of the hurricanes and evacuees, for long-term care costs of evacuees remaining in Texas, and for mental health care costs of persons affected by the hurricanes;
- \$100 million for reimbursement of costs associated with providing educational services to students who are in Texas as a result of Hurricane Katrina and for repairs to public and higher education facilities damaged by Hurricane Rita;
- \$46 million for costs of repairs to bridges, roadways, ports, and channels damaged by Hurricane Rita.
- \$59 million for the Corps of Engineers for maintenance costs relating to erosion, waterway dredging, and other related services; and
- \$50 million for costs of debris removal that are not reimbursable by the Federal Emergency Management Agency, for assistance to agricultural areas affected by Hurricane Rita (including timber- and rice-producing areas), and for costs of other unreimbursed repairs to rural and agricultural infrastructure resulting from Hurricane Rita.

The amendment decreases funding for the following accounts:

- \$900 million for DOD, Operation and Maintenance, Defense-Wide;

- \$10 million for Bilateral Economic Assistance at the Department of State Democracy Fund;
- \$100 million for Military Assistance, funds appropriated to the President for peacekeeping operation;
- \$7.6 million for the Broadcasting Board of Governors, International Broadcasting Operations; and
- \$28.5 million for the Broadcasting Board of Governors, Broadcasting Capitol Improvements.

The amendment provides that the \$500 million by which the aggregate reductions exceed the aggregate increases in funding for Texas, is to be applied as a credit against the federal deficit for FY 2006.

**Hall (R-TX).** Requires that in any redistribution of unobligated federal matching funds, the Secretary of Health and Human Services give priority to States currently serving a significant number of children in families adversely affected by Hurricane Katrina. According to the sponsor, Texas has 34,000 children waiting for child care services and 6,000 hurricane victims, for which this funding would be used. **In addition, the sponsor has indicated that this amendment is likely subject a point of order.**

**Reyes/Stupak Amendment (D-TX/D-MI):** Inserts two new provisions for an increase of \$1.152 billion: one for \$630 million for Veterans Health Administration Medical Services, and one for \$522 million for “Construction, Minor Projects in the Veterans Affairs Administration.” **This amendment is subject to a point of order, likely for legislating on appropriations.**

According to the sponsors’ office, but not included in the text of the amendment, they intend for the \$630 million to fund:

- \$250 million to support increased demand for mental health services for returning troops;
- \$200 million for direct medical services, including treating traumatic brain injury and other complex blast injuries, and additional resources for the VA’s Polytrauma Rehabilitation Centers;
- \$110 million for increased demand for VA prosthetics;
- \$15 million for medical and vocational rehabilitation services;
- \$55 million for increased staff to process the growing disability claims backlog of more than 370,000, including claims of homeless disabled veterans of the Iraq and Afghanistan wars who are waiting months for decisions.

And the \$522 million increase to fund:

- \$108 million for additional CARES construction
- \$43 million for additional Non-CARES construction
- \$150 million for Seismic correction
- \$30 million for National Cemetery Administration
- \$36 million for Veterans Benefits Administration
- \$5 million for staff offices
- \$10 million for Advanced Planning Fund
- \$1 million for Inspector General
- \$25 million for Historic Preservation Grant Program
- \$100 million for Architectural Master Plans Program

**Westmoreland (R-GA).** Strikes the \$1.3 million in emergency appropriations for the United States Institute of Peace. According to its website, the Institute “thinks, acts, teaches, and trains” by providing nonpartisan research, innovative program development, and hands-on support in order to play a role in preventing armed conflicts; managing and resolving armed conflicts; promoting postconflict stability and democratic transformation; and increasing worldwide peacebuilding capacity, tools, and intellectual capital. Source: <http://www.usip.org/aboutus/index.html> The Institute for Peace has received approximately \$45 million in the last two appropriations bills (the FY06 appropriations bill appropriated \$22 million in FY06 and \$23 million in FY05). **According to the sponsor’s office, they will not be allowed to offer this amendment because it is now out of order.**

**Flake (R-AZ).** Strikes section 3007, which provides changes in earmarks provided in the 2004 Omnibus Committee report for the Borough of Somerville, NJ to allow the \$100,000 provided to be used on “the Main Street Revitalization Project” and the \$280,000 provided to be used for “the development of a Science and Nature Park in the St. Petersburg College, City of Seminole, FL. According to the bill sponsor, these funds have not yet been spent and the Science and Nature Park in Florida is gearing up to open a new “birds of prey aviary,” so birds such as raptors, hawks and owls will soon have a safe and comfortable habitat there, while the mayor of Somerville has already posted displays in Union Square establishments depicting proposed parks, streetscape improvements, traffic re-routings, and other changes being considered. The sponsor notes that the House never debated whether or not these earmarks should have been funded in the first place, because “they were slipped into the committee report of the omnibus bill passed in the fall of 2004. These are projects that should be vetted through authorizing committees, not stuck into bills in the middle of the night. This money could have funded more programs that are vetted by authorizing committees and debated on the House floor.”

**Obey (D-WI).** The amendment text is not available. According to the Democrat Appropriations Committee, the amendment will change the date that the \$750 million LIHEAP funding is available, making it available in FY06 for a “shorter window.” **This amendment is likely to be subject to a point of order for authorizing on appropriations, because the underlying provision (which is protected under the Rule) is also authorizing on appropriations.**

**Conaway (R-TX).** Strikes Section 3010 relating to LIHEAP. Thus, it eliminates the provision in the underlying bill to allow \$1 billion of FY07 LIHEAP funding (provided for in the Deficit Reduction Act) to be used in FY06 instead.

**DeLauro (D-CT).** Although the amendment sponsor’s office did not furnish amendment text to the RSC as promised, reports indicate that this amendment would repeal the liability protections in current law for avian flu vaccine manufacturers. If this information is accurate, ***a point of order will likely be raised against this amendment on the floor.***

**Kennedy (R-MN).** Prohibits funds from being used to allow people to enter the grounds of any Department of Defense installation or cemetery or Department of Veterans Affairs cemetery for the purpose of a demonstration in connection with a funeral or memorial service or ceremony for a deceased member of the Armed Forces.

**Berry (D-AR).** *A point of order will likely be raised against this amendment on the floor.*

Provides for continuous open enrollment in the new Medicare prescription drug program (Part D) for all of 2006 and delays any late enrollment penalties until 2007. (The current enrollment deadline is May 15, 2006.) Allows beneficiaries the option of changing plans once during all of 2006 (currently it's only allowed in the first six months of 2006). Creates a **new** drug plan operated by Medicare, requires the Secretary of Health and Human Services to negotiate for drug prices on behalf of enrollees, and encourages the use of therapeutic alternatives to prescription drugs.

**Nadler (D-NY).** *A point of order will likely be raised against this amendment on the floor.*

Inserts a new provision in the bill which amends provisions of current law relating to the entry of ocean shipping containers into the United States. The amendment authorizes such sums as necessary for FY07 and each subsequent fiscal year, for purposes of carrying out this amendment.

The amendment requires the Secretary of Homeland Security to establish standards for scanning equipment) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements. The amendment also directs the Secretary to establish standards for seals to ensure that such seals use the best-available technology, including technology to:

- “detect any breach into a container;
- “identify the time and place of such breach;
- “notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and
- “track the time and location of the container during transit to the United States, including by truck, rail, or vessel.”

The amendment requires that an ocean shipping container may enter the United States, either directly or via a foreign port, only if:

- the container is scanned with equipment that meets the standards established by the amendment (listed above) and a copy of the scan is provided to the Secretary, and
- the container is secured with a seal that meets the standards established by the amendment (listed above) before the container is loaded on the vessel for shipment to the United States.

**Tierney (D-MA).** Although the amendment sponsor's office did not furnish amendment text to the RSC as promised, reports indicate that the amendment would establish a congressional committee to investigate how defense contracts have been awarded and managed in Iraq (similar to the Truman Commission for World War II). If this information is accurate, *a point of order will likely be raised against this amendment on the floor.*

**Kaptur (D-OH).** The sponsor's office has not provided the text of this amendment. However, according to the Republican Policy Committee, the amendment establishes a select House committee to conduct ongoing studies and investigations of the awarding and carrying out of contracts by the Government for military operations and relief and reconstruction activities related to the global war on terrorism (including all activities in Afghanistan and Iraq), and Hurricane Katrina recovery, relief, and reconstruction efforts. The Committee would be made up

of Congressional authorizers and appropriators with experience with the relevant agencies and issues.

**Lee (D-CA).** Prohibits all funds appropriated in the bill from being used by FEMA to implement, administer, or enforce the termination of the hotel and motel emergency sheltering program established by FEMA for families displaced by Hurricane Katrina and other hurricanes of the 2005.

**Hinchey (D-NY).** Prohibits funds provided in Chapter 2 of Title I, from being used in connection with any contract with the communications and public relations firm known as the Lincoln Group. According to the sponsor, “The Lincoln Group is a controversial public relations firm that has been awarded major Pentagon contracts - worth over \$100 million - to covertly place dozens of pro-US stories, written by U.S. military “information operations” troops, in Iraqi news outlets.” According to its website, the Washington D.C.-based Lincoln Group was formed in 2003, and in 2004, the “U.S. Government started asking for support with communications and outreach campaigns.” According to a February 18, 2006, Los Angeles Times article reported that as a government contractor with DoD, the Lincoln Group assisted Iraqi newspapers in writing “stories favorable to the American mission.” Although Secretary Rumsfeld said these actions were inappropriate, later news articles have reported that the program is still being funded.

**Waxman (D-CA).** The sponsor’s office was unable to provide text of the amendment. According to the UC, the amendment is regarding DOD contracts.

**Velazquez (D-NY) #1.** The sponsor’s office was unable to provide text of the amendment. According to the sponsor, the amendment addresses SBA disaster loan program eligibility, providing an extension of the current application filing deadline.

**Velazquez (D-NY) #2.** The sponsor’s office was unable to provide text of the amendment. According to the sponsor, the amendment addresses disaster loan borrower’s fees and interest rates. Apparently, this amendment would require that interest rates for these loans be fixed at below market rates, thus creating a budget shortfall for the SBA.

**DeFazio (D-OR).** Prohibits funds from being used to initiate military operations except in accordance with Article I, Section 8 of the Constitution (enumerated powers of Congress). Clause 1 (under Article I, Section 8) provides Congress with the power to “provide for the common defense and general welfare,” and Clause 11 provides Congress with the power to “declare war, grant letters of marquee and reprisal, and to make rules concerning captures on land and water.” Thus, the sponsor seems to be asserting that no military operations may be initiated (with these funds) unless and until Congress specifically calls for the action.

**Hinchey (D-NY) #2.** This amendment is likely subject to a point of order. Prohibits Title II funds from being used to award a contract for hurricane recovery or relief using non-competitive procedures, unless:

- 1) the department or agency awarding the contract does not receive any offers to perform the contract from a responsible source (as defined in the Federal Procurement Policy Act), and
- 2) the department or agency is acting in accordance with section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 USC 253(c)).

Thus, both conditions above must exist before a contract is awarded on a non-competitive basis.

**Reyes (D-TX) #2.** This amendment is likely subject to a point of order. It provides for an additional \$3.2 billion in pandemic flu preparedness (fully funding the President's FY06 request).

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