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House Amendment to Senate Amendment to H.R. 2847—Jobs for Main Street Act

House Amendment to Senate Amendment to H.R. 2847—Jobs for Main Street Act (*Obey, D-WI*)

Order of Business: The bill is scheduled to be considered on Wednesday, December 16th, subject to a highly structured (yet closed) rule ([H.Res. 976](#)). This one rule would provide for the consideration of four bills today, as follows:

1. The Senate-passed version of the Defense Appropriations bill ([H.R. 3326](#)) with a self-executing (i.e. automatically adopted) amendment in the nature of the substitute by the House. (*one hour of total debate; no further amendments allowed; no motion to commit or recommit*)
2. A continuing resolution (H.J.Res. 64) through December 23, 2009 (*one hour of total debate; no amendments allowed; one motion to recommit allowed*)
3. A bill (H.R. 4314) increasing the debt limit by \$290 billion (*one hour of total debate; no amendments allowed; one motion to recommit allowed*)
4. The Senate-passed version of the stand-alone Commerce, Justice, Science Appropriations (H.R. 2847) with a self-executing (i.e. automatically adopted) amendment in the nature of a substitute by the House. This amendment is the so-called “jobs” bill (being called by some as the “Son of Stimulus”), containing increased federal spending on such items as an ACORN-eligible housing slush fund, clean water programs, and public service job promotion. Furthermore, upon House passage of the newly amended H.R. 2847, the text of the Democrat “PAYGO” bill ([H.R. 2920](#)) would be automatically appended to H.R. 2847 without further consideration. (*one hour of total debate; no further amendments allowed; no motion to commit or recommit*)

The rule also contains a variety of additional provisions, unrelated to the consideration of these four bills, as follows:

- Allows the Appropriations Committee Chairman to insert in the Congressional Record at any time during the remainder of the first session of the 111th Congress such material as he may deem explanatory of the Senate amendments and the motions allowed for the Defense Appropriations and “jobs” bills. **In other words, earmark lists do NOT have to be provided before these bills are considered and passed.**
- Waives the requirement for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House for the remainder of the first session of the 111th Congress (referred to by some as a “**martial law rule**”).
- Makes it in order at any time during the remainder of the first session of the 111th Congress for the Speaker to entertain motions that the House suspend the rules.
- Allows the Speaker, on any legislative day of the first session of the 111th Congress, to declare the House adjourned at any time. Provisional dates for reconvening the House are listed in the rule.
- Allows the speaker, on any legislative day of the 2nd session of the 111th Congress before January 12, 2010, to dispense with organizational or legislative business, declare the House adjourned, or declare the House adjourned pursuant to an applicable concurrent resolution of adjournment.

Summary:

Discretionary Spending, FY 2010 Funding Levels:

In millions

	H.R. 2847
Justice	
COPS	1,179
Energy and Water	
Army Corps of Engineers	715
Interior-Environment	
Water and Related Resources	100
Bureau of Land Management	20
U.S. Fish and Wildlife Service	30
National Park Service	50
Wildland Fire Management	20
State and Tribal Assistance Grants	2,000
Agriculture	
State and Private Forestry Service	75
National Forest System	40
Wildland Fire Management	35
Energy	
Innovative Technology Loan Guarantee Program	2,000
Homeland Security	
Federal Emergency Management Agency	500

Labor	
Training and Employment Services	1,250
Education	
Education Jobs Fund	23,000
Related Agencies	
Corporation for National and Community Service	200
Transportation	
Grants-in-Aid for Airports	500
Highway Infrastructure Investment	27,500
Federal Railroad Administration	800
Transit Capital Assistance	6,150
Fixed Guideway Infrastructure Investment	1,750
Capital Investment Grants	500
Maritime Administration	100
Housing and Urban Development	
Public Housing Capital Fund	1,00
Housing Trust Fund	1,065
Total	69,679

Entitlement Spending, FY 2010 Funding Levels:

In millions

	H.R. 2847
Unemployment Insurance Extension	41,000
COBRA	12,300
Small Business Loans	354
FMAP Extension	23,500
Child Care Tax Credit Refundability	2,300
Assistance Eligibility	305
Income Tax Refund Disregard	???
Total	79,000

**Note:* All figures based on Appropriations Committee data. No CBO score is available at press time.

Items of Note:

TARP Reduction: The legislation reduces Troubled Asset Relief Fund (TARP) authority by \$150 billion. This is a budget gimmick so that Democrats can assert that a portion of the legislation is paid for.

Highway Extension: The legislation extends highway programs through September 30, 2010.

\$20 Billion Highway Trust Fund Transfer: The legislation transfers \$14.7 billion to the highway account and \$4.8 billion to the mass transit account of the Highway Trust Fund.

100% Federal Share for Transportation Projects: Provides a federal share of 100% for transportation projects authorized by this bill.

Income Tax Disregard: Expands eligibility for means-tested programs during 2010 by not counting refundable tax credits as income for purposes of an individual meeting eligibility requirements.

Unemployment Extension: Provides a 6-month extension of unemployment benefits at a cost, according to Appropriations Committee Democrats, of \$41 billion.

Extension of Premium Subsidies and Eligibility for Consolidated Omnibus Budget Reconciliation Act (COBRA): Spends \$12.3 billion to extend COBRA (extended post-employment health care policy) subsidies, established under the so-called “stimulus,” from 9 to 15 months and to extend eligibility for individuals who lost their jobs through June 30, 2010 (currently eligibility is set to expire on December 31, 2009). The bill clarifies that an individual is still eligible for COBRA subsidies even if they become eligible for a retiree health plan and adds to the definition of a qualifying event (involuntary termination of employment) “a reduction in hours followed by such an involuntary termination of employment” The bill also allows civil actions to be brought by the appropriate Secretary or affected individual, and the Secretary may assess a penalty against a plan sponsor or health insurance issuer of up to \$110 a day for each failure to comply with determinations after 10 days after the date the issuer received the determination.

Conservatives may be concerned that the legislation extends new government subsidies, leaving an ever-shrinking portion of the population with truly private health care coverage. Some conservatives may be concerned with the increased uptake of COBRA, as it will add to the already high cost of coverage due to adverse selection creating the opposite of a stimulus effect. It could cause employees to spend more out of their wages on health care instead of in the economy, and force employers to spend more time and money to administer COBRA to former employees and pay rising premiums.

The 2009 economic “stimulus package” established a 9-month employer-provided subsidy for unemployed workers under COBRA. Individuals pay 35% of the COBRA premium while employers pick up the remaining 65%, which is reimbursed by the government through a payroll tax credit. The bill capped the eligibility for receiving premium assistance at \$145,000 for an individual and \$290,000 for a family. Finally the bill picks up a Senate provision that allows individuals to opt-into a lower cost plan, if one was previously provided under the employer.

Extends the Additional Federal Medicaid Aid to States (FMAP): The legislation would provide \$23.5 billion to states, increasing by two calendar quarters through June 2010, the share of Medicaid costs the federal government reimburses all states by 6.2%, with additional relief tied to rates of unemployment. This provision was also included in the Pelosi takeover of health care bill, H.R. 3962. **Some conservatives may be concerned that the federal government, through H.R. 3962, is forcing states to expand eligibility when they are struggling to maintain current eligibility.**

HHS Poverty Guidelines and Assistance Eligibility: Prohibits the HHS poverty guidelines for 2010 from being lower than those established 2009 (at a cost of \$305 million) in order to prevent

a reduction in eligibility for individuals in certain means-tested programs, such as Medicaid, Supplemental Nutrition Assistance Program (SNAP), and child nutrition.

National and Community Service Act: \$200 million of additional spending in FY 2010 for this purpose. The major programs authorized by NCSA include Learn and Serve America, AmeriCorps, and the National Civilian Community Corps. AmeriCorps, alone, received \$89 million in the “stimulus” in addition to \$271.2 million in FY2009.

Many conservatives may be concerned that government funding of AmeriCorps is “paid volunteerism.” Many AmeriCorps volunteers are also eligible to receive a living allowance, housing reimbursement, health care, and reimbursement for child care expenses. Conservatives may also be concerned that taxpayer dollars in support of the AmeriCorps program are supporting workers who spend their time “volunteering” at organizations like the abortion provider, Planned Parenthood.

ExpectMore.gov, a website developed by the U.S. Office of Management and Budget, with the goal to assess the performance of every federal program in order to hold programs accountable for improvement, has audited these programs. According to ExpectMore.gov, the programs included in NCSA have been audited as follows:

AmeriCorps National Civilian Community Corps: Not performing; Ineffective

AmeriCorps State and National Grants: Performing; Adequate

AmeriCorps Volunteers in Service to America: Performing; Adequate

Department of Education, Education Jobs Fund: The funds will be used to award local educational agencies and higher education institutions money to retain or create jobs to provide educational services or for modernization, renovation and repair of public schools.

The \$23 billion in the bill today is in addition to “stimulus” funds which already provided the State Fiscal Stabilization Fund with \$48.6 billion to states and schools districts for K-12 and postsecondary education. State Fiscal Stabilization Fund money may be used to support public elementary, secondary, and postsecondary schools by modernizing, renovating, paying teachers’ salaries, buying textbooks and more.

Committee Action: The version that the House is considering today was introduced last night and has not been considered by any committee.

Cost to Taxpayers: Yes, the legislation increases federal spending.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill increases spending.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO report is available providing analysis of any potential mandates.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? The explanatory statement asserts that the legislation contains no earmarks.

Constitutional Authority: No committee report citing constitutional authority is available.

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