



News from D.C.

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Reauthorization 1

ENERGY AND COMMERCE COMMITTEE OF U.S. HOUSE OF REPRESENTATIVES VOTES OUT HIV/AIDS TREATMENT MODERNIZATION ACT OF 2006

NEW YORK'S CONCERNS ARE NOT REMEDIED BATTLE NOW MOVES TO THE SENATE AND HOUSE FLOOR

At approximately 6:30 PM Wednesday night the Energy and Commerce Committee of the U.S. House of Representatives voted out of committee (approved) the Ryan White HIV/AIDS Treatment Modernization Act of 2006. The vote was 38 in favor, 10 opposed. This marked the first time that the Ryan White Act has been opposed by so many Members of Congress; previous reauthorizations were almost unanimously supported. Its future had seemed shaky as early as that morning, as a letter was circulated, signed by all New York State Members of Congress, announcing their firm opposition to Ryan White unless significant changes were made to address New York's concerns. Not surprising, all three Members of Congress from New York voted against the bill, but it was not enough to block its approval by the entire Committee.

The committee began deliberating at 10:00 AM, and for the first five hours only debated one bill: reauthorization of the National Institutes of Health (NIH), which was also eventually approved. In what was clearly election year politics, Democrats on the Committee introduced numerous amendments to NIH reauthorization, which all failed on a party line vote. With 11 bills scheduled for a vote that day, by 3:00 PM the committee had only finalized one bill, NIH. Ryan White was the last bill on the committee's markup schedule. Your Director of Federal Affairs was not optimistic at 3:00 PM that they would get through the remaining nine bills that day before discussing Ryan White. But with NIH finalized, the Committee rapidly went through the other bill on their agenda. Most of the remaining items, which appeared to be pork barrel goodies, did not get opposed.

With NIH reauthorization debate having lasted 5 hours, many in the room wondered how long the debate over Ryan White reauthorization would last. In the end, the debate was short. Perhaps members had exhausted their politicking over NIH, or maybe it was concern over the round of fundraisers that the Chairman announced he and other members had to attend to later that evening. Or maybe it was just plain human exhaustion, as it was late in the day, but debate around Ryan White reauthorization lasted only 90 minutes, starting at 5:00 PM and concluding at 6:30 PM.

There were a number of dramatic twists and turns during the short-lived committee debate over the \$2.1 billion program that would have dramatic consequences for thousands of PLWHAs. The debate began with Congressman Ed Towns (along with Members Anna Eshoo (D-CA), Lois Capps (D-CA) and Eliot Engel D-NY)) introducing an amendment to the legislation that would expand hold harmless for the entire 5 year life of the Act (instead of expiring in three years) and increase total appropriations by \$400 million, which would be divided between Title I and Title II. Congressmen Ed Towns and Eliot Engel (D-NY) voted for the amendment, but Congressman Vito Fossella (R-NY), who has normally been an advocate of New York's concerns over Ryan White reauthorization, voted against the amendment. The final vote was 22 nays (no) versus 21 yeas (yes); the amendment failed by one vote. Many in the room were very surprised that Congressman Fossella voted with his party against the amendment, but the votes did mostly fall along party lines. In the end, the amendment got the support of only one Republican, Congresswoman Mary Bono (R-CA), but she then turned around and voted for the entire bill, whereas Congressman Fossella voted against reauthorization. It should also be noted that Committee Chairman Barton made it clear that he would have found the votes to ensure the amendment failed. In a later conversation with Congressman Vito Fossella's health aide, she explained that the Republican leadership warned the Congressman that if he supported the amendment they would cut him out of any future negotiations over Ryan White. Since neither NYAC nor anyone else in the community has seen the Towns-Eshoo-Engel-Capps Amendment, its specific details are not known.

A number of other Amendments were introduced, including one jointly by Congressman Fossella and Elliot Engel, which was designed to be a message about New York's cut in funding, but it was withdrawn after Congressman Fossella got significant slack from Democrats over his no vote on the Towns-Eshoo-Caps-Engel Amendment. Congressman Frank Pallone (D-NJ) introduced an amendment for a one-year only reauthorization period. It also failed.

One amendment did pass – Congressman Ed Towns introduced an amendment to allow substance abuse clinics to be eligible to apply for Title III funding. However, neither NYAC nor anyone else in the community has seen his amendment; its details and implications are not known.

WHAT'S NEXT?

Now that the bill has been voted out of committee, what's next? The bill should proceed to the U.S. Senate for a vote on the floor, then back to the House for a full vote on the floor. NYAC is hopeful that we can prevent its passage in the Senate, which is where the next battleground lies. It seems that the last weapon left in our arsenal is the threat of a filibuster.