



Office of Senate President Pro Tempore Del Marsh
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[Lawyers for state, parents move to lift judge's ruling blocking Alabama Accountability Act \(al.com\)](#)

MONTGOMERY, Alabama -- Lawyers for the state and lawyers for parents have asked a judge to stay his order blocking the Alabama Accountability Act.

Montgomery County Circuit Judge Gene Reese on Wednesday ruled the school choice law unconstitutional and issued an injunction that would keep families from taking advantage of the tax credits and scholarships offered under the law after this year.

The injunction will cause "irreparable injury" if a stay is not granted, according to the motion filed by lawyers for Revenue Commissioner Julie Magee and State Comptroller Thomas White, who are

defendants in their official capacities in the case, and lawyers for three parents who intervened in the case.

The parents have received tax credits allowed under the law to transfer their children from public schools designated as failing, the motion says.

"The same is true for scores of other Alabama parents who have used the Act's tax credits or who have relied on the Act's scholarship program," the motion says.

"Absent a stay, the injunction will upend the ability of these families to plan for the 2014-2015 school year. And it may well leave them with no choice but to return their children to their previous, failing schools."

[Read the motion to stay.pdf](#)

A stay would mean that the accountability act could continue to be operative while an appeal is pending.

Bert Gall, a senior attorney with the Institute for Justice, which is representing the parents in the case, said the biggest concern is the uncertainty the ruling causes for parents who are making plans for next school year.

"It needs to be lifted soon because before you know it, we will be on top of the coming school year," Gall said.

Gall said that if Reese does not grant the stay, the next step would be to ask the state Supreme Court for a stay.

Bobby Segall, a lawyer for the plaintiffs, in the case, said he expected they would file a response to the stay motion.

The plaintiffs, who filed the suit in August 2013, are state Sen. Quinton Ross, D-Montgomery, Anita Gibson, president of the Alabama Education Association, and Daniel Boyd, superintendent of the Lowndes County school system.

Two previous lawsuits filed against the act have been unsuccessful.

The request for the stay says the injunction would cause "untold administrative burdens" for the state should the ruling ultimately be overturned. And defendants said the stay would "serve the public interest."

The motion says the defendants and intervenors have a strong chance of success of overturning Reese's ruling on appeal.

They say Reese's ruling is wrong on legal grounds.

Reese ruled the process legislators used in passing the law in February 2013 violated the state Constitution.

The bill that became the law was originally a bill to give school systems flexibility on state policies. After the flexibility bill passed both houses, a conference committee added two new sections. One allowed state income tax credits for parents who transfer their children from failing public schools. The other set up a scholarship program to help pay private school tuitions, with the scholarships funded by donations from taxpayers who then receive a tax credit.

After those surprise additions to a bill that had been debated for weeks, the House and Senate quickly approved the newly dubbed Alabama Accountability Act that night.

Reese ruled that process violated several constitutional requirements that bills:

--- With certain exceptions, address a single subject.

--- Not be amended to change their original purpose.

--- Are read three times in both houses of the Legislature.

Reese's ruling said the law violated constitutional restrictions on public funds going to private schools and charitable organizations (the scholarship granting organizations). Such use of public funding requires a vote of two-thirds of members of both houses, he wrote.

Reese ruled that the law violated a constitutional requirement that income tax revenue deposited into the Education Trust Fund be used only for public school teacher salaries.

And he ruled that it violated a constitutional restriction on creating new debt for the state without a corresponding new source of revenue. That referred to the obligation to pay the income tax credits to parents.

The defendants, in their motion for the stay, said the state Supreme Court has said that the Legislature's annual codification process "cures" any alleged "infirmities of legislative procedure," and that the accountability act was codified this year.

AG seeks stay of order striking down Accountability Act (Montgomery Advertiser)

The Alabama Attorney General's Office and attorneys representing local parents Thursday filed a motion asking Montgomery Circuit Court Judge Eugene Reese to stay his Wednesday decision striking down the Alabama Accountability Act.

The five-page brief calls Reese's decision "wrong" and said it will impact families of students taking advantage of the tax credits offered under the law.

"Absent a stay, the injunction will upend the ability of these families to plan for the 2014-15 school year," the brief said. "And it may well leave them with no choice but to return them to their earlier, failing schools."

Previous coverage

The Alabama Accountability Act, which passed amid fierce controversy in February, 2013, allows parents of students with children in schools designated as failing to apply for tax credits that can be used toward private school tuition. The legislation initially would have allowed school districts to apply for waivers from certain laws governing education, but emerged from a conference committee nearly three times as long, and with the tax credits attached.

Democrats angrily attacked Republicans over the move, saying it would divert millions of dollars from public schools to private entities. The changes also cost the bill the support of Alabama Superintendent of Schools Tommy Bice and numerous education groups. The Alabama Education Association has brought numerous lawsuits to attempt to stop the bill. Republicans have said the legislation will give families trapped in failing schools a means of escaping.

Reese wrote in his 13-page decision Wednesday that the Accountability Act violated the Alabama Constitution's "one subject" rule, saying the bill made no attempt to link the earlier waiver portions in the bill with the newly-added tax credits, and that the law violated state constitutional bans on giving money to private groups without a two-thirds vote of both houses.

In its stay motion, the Attorney General argues that codification of laws that took place earlier this year addresses concerns about the manner in which the bill was passed, and that striking down the bill creates injuries to those involved.

[Fincher: Ruling against Alabama Accountability Act is 'a political stunt' \(al.com\)](#)

State Rep. Chad Fincher, R-Semmes, who sponsored the Alabama Accountability Act in the state House, said Thursday that he was "very disappointed, but not surprised" by a judge's ruling that the act was unconstitutional, and expressed confidence that the ruling would not stand.

On Wednesday, Montgomery County Circuit Judge Gene Reese ruled that the 2013 school choice law was unconstitutional and issued an injunction that would keep families from taking advantage of the tax credits and scholarships offered under the law after this year.

Reese issued the ruling in a lawsuit filed in August 2013 by state Sen. Quinton Ross, D-Montgomery, Alabama Education Association President Anita Gibson and Lowndes County School Superintendent Daniel Boyd.

Fincher said he was "very confident" that the initial ruling would be overturned on appeal.

"This is just another stunt by the AEA, a political stunt that they're bringing out right before the elections to use against elected officials who really worked hard to bring true education reform to Alabama," he said.

On Thursday, lawyers for the state and lawyers for parents asked Reese to stay his order, saying the injunction would make it difficult for families to plan for the upcoming school year, and may even force them to return their children to the failing schools that they are zoned to attend.

Two Mobile County superintendents expressed cautious optimism on how the legal maneuvering will shake out.

"From my standpoint, any action that's going to prevent money from being taken away from public schools is good, and if this delays it, it's great," said Kyle Kallhoff, superintendent of Chickasaw City Schools. "Maybe it will lead to the end of the Alabama Accountability Act."

Joe Walters, superintendent of the Satsuma City Schools system, said it was possible that the ruling could lead to improvements in the act.

"I found the most disappointing thing about AAA – we really didn't feel like the legislators took the time to let the people in the field comment on it for the ramifications and outcomes," he said. "This gives us a chance to go back and shore up some of the shortcomings as well. Maybe we can at least improve on it."

"Really, it's a wait-and-see on everybody's part," said Martha Peek, Mobile County schools superintendent.

Peek said the AAA had not had much of an impact on the Mobile school system, the largest in the state with an enrollment of 59,000. Five Mobile County middle schools – Denton, Mae Eanes, Mobile County Training, Scarborough and Washington – are designated as "failing" under AAA. Last August, 145 students zoned for those schools applied for a transfer, but nearly all of them enrolled at other Mobile County schools.

School officials have made progress in helping students in the failing schools, Peek said, particularly with the new Alabama College and Career Ready standards, also known as Common Core.

"We have provided intervention for all those students who have any academic needs," she said. "The progress has been monitored throughout the year, and we'll continue to do that."

Fincher said the act had helped thousands of families across the state to find better educational options for their children, particularly through the AAA's scholarship component.

The scholarship portion of the AAA allows residents and business to claim a dollar-for-dollar tax credit for contributing to scholarship organizations to help low-income students from schools designated as "failing" under the act.

By the end of 2013, scholarship-granting organizations had received nearly \$25 million, the maximum amount that the statute will refund to taxpayers.

"The unfortunate part of this is, you have politicians getting in the way of families searching for options and searching for the best education for their children," Fincher said. "The AEA is once again using their political power to take that option for parents away."

Alabama's school choice law halted by another politically-driven attack (al.com)

By Katherine G. Robertson

The Circuit Court for Montgomery County ruled on Wednesday that the state's year-old school choice law, the Alabama Accountability Act, is unconstitutional and that the state is enjoined from taking any measures to further implement the law. This is the third lawsuit filed in an effort to halt the Act -- the previous two were unsuccessful. While the court order is a hurdle to the immense progress toward educational choice in the state, proponents of the law and the families who have experienced the hope that it offers will fight this ruling through every available channel until it is overturned.

This politically-driven lawsuit, the second by the Alabama Education Association, alleged that the act violates the Alabama Constitution by way of the procedure through which it was enacted and the means through which it is funded. The legal reasoning of the decision is shaky on a number of fronts, rendering the case fertile ground for an appeal.

This is the second suit to put forth several procedural violations as a foundation for having the law struck down. Similar arguments in a previous suit against the Act failed at the Alabama Supreme Court, where the court held that it was not the function of the judiciary to require the Legislature to follow its own rules. Rather than alleging a violation of the legislative rules, the plaintiffs here claim that the passage of the act violated the Alabama Constitution as to the single subject rule, the original purpose doctrine, and the three readings requirements. Alabama Supreme Court precedent shows a pattern of deference to the Legislature on issues of this nature, presuming compliance in instances where it is questioned.

The decision cites a constitutional prohibition of appropriating funds to a non-state entity "without a vote of two-thirds of all members elected to each house." The drafters of the Accountability Act were well aware of lawsuits in several states filed by teachers unions offering a similar argument and thus, carefully crafted the legislation to negate the claim that government money was going straight to non-public schools by sending the refundable tax credit directly to the parents instead. Nevertheless, the court found that the "intent" of the appropriation is for tax refunds to pay the tuition for students in failing schools to attend private schools; therefore, it should be considered the same as a direct appropriation to a private charitable and educational institution.

The Court further opined that donations to scholarship granting organizations (SGOs), which are entirely the prerogative of the individual taxpayer, are really just appropriations to these entities. In

reality, every taxpayer in Alabama has the ability to choose whether or not to direct a portion of his or her tax dollars to an SGO. It is hard to understand how an individual who does so can seriously be viewed by a court as a mere pass-through entity of the state.

The decision also relies on Amendment 61 to the Alabama Constitution which requires that income tax revenue deposited into the ETF "be used for the payment of public school teacher salaries only." The Court held that because Section 9 of the act uses funds that otherwise would have been deposited into the ETF (\$25 million per year), the act is in conflict with this amendment. Strangely, it seems that this same argument could apply to any one of Alabama's tax credits. Surely the court does not mean to suggest that the Historic Structure tax credit is similarly unconstitutional?

The aim of the plaintiffs in this case was to permanently do away with the Alabama Accountability Act, by way of an assortment of questionable legal arguments, to ensure that Alabama preserves the status quo and remains stuck in a cycle of poor educational results. The numerous technical arguments and the far reaching claims that taxpayer dollars were used impermissibly reflect an irrational desire to destroy a law that has given children stuck in failing schools first-time access to a higher quality education.

Shortly after the ruling, it was reported that a spokesperson for the AEA said that the organization was "pleased with the ruling" while House Minority Leader Craig Ford (D-Gadsden) called the ruling a "victory for children and educators." It is unclear exactly which children will perceive this order as a victory -- certainly not the thousands whose parents have filled out scholarship applications for the upcoming school year hoping to give their children an immediate chance at a better education and ultimately, a brighter future.

Cost of winning primary on rise (Decatur Daily)

MONTGOMERY — In 2010, Ed Henry spent about \$72,000 in primary and general elections to win the Alabama House seat representing portions of Morgan and Cullman counties.

As of early this week, the Hartselle Republican had spent more than \$121,000 on Tuesday's primary, where he faces GOP challenger Melvin Hasting, of Vinemont. Whoever wins Tuesday has no Democratic opposition in the Nov. 4 general election.

The Henry/Hasting race is an example of what Jess Brown, a political science professor at Athens State University, said is happening statewide this year: The action in a lot of races is in the Republican primaries, and that is where the money is being spent.

"It was expected we'd see more spent in the Republican primaries than in other elections," Brown said. That's a byproduct of Republicans being the new dominant party in Alabama, he said. Groups and individuals who want to contribute to campaigns don't have time to wait until November.

"The new reality is that whoever gets the Republican primary is going to get the election, because they face no opposition from Democrats, or it is token opposition," Brown said.

"There are very few seats in November where there will be legitimate competition between a Democrat and Republican," he said. "So you better be investing in your racehorse in the primary if you want to have any influence."

He cited one exception locally for competition in November: the race for Senate District 1 in Lauderdale, Limestone and Madison counties. In what currently is a five-man field, the three Republicans are outraising and outspending two Democrats.

As of Wednesday, Tim Melson had spent \$162,000. Jonathan Berryhill's and Chris Seibert's campaigns had spent \$62,750 and \$58,500, respectively.

Democrat Mike Curtis has reported spending \$25,300; Democrat Earl Gardner had spent about \$7,000.

In the Senate district that includes most of Lawrence County, incumbent Republican Paul Bussman has received \$184,600 in contributions and spent about \$130,000. GOP challenger Bruce Whitlock has about \$25,000. Because Bussman had almost \$200,000 on hand coming into the election cycle, he still has almost \$250,000 in his campaign fund this week.

Tuesday's winner will face Democrat Angelo Mancuso, who has \$25,000 on hand.

Back in Morgan County, Henry said contributions to his re-election campaign and his spending are a result of attacks from his opposition, or at least his opposition's main financial supporter.

"If the (Alabama Education Association) weren't running such a negative, false campaign, I wouldn't have needed anywhere near this amount of money to run," Henry said.

The teachers' association political action committee hasn't given Hasting any direct monetary contributions, but has spent about \$39,000 in mailers and on a TV ad. Hasting said he didn't see them in advance.

Meanwhile, Hasting hasn't solicited money and has loaned his campaign \$20,000 of his own money.

"Twenty thousand dollars goes pretty fast," Hasting said about the campaign. "And that keeps a lot of people from running, I think. That's a lot of money — it's not pocket change for me."

Another seat that will be decided Tuesday is Senate District 2, which includes portions of Madison and Limestone counties. Incumbent Bill Holtzclaw, R-Madison, has taken in and spent about \$170,000; his challenger, Republican George Barry, has taken in and spent about \$100,000.

Whether it's primaries or general elections, one longtime lawmaker said there's no doubt that elections are getting more expensive.

When Rep. Lynn Greer, R-Rogersville, first ran for office in 1974, his campaign spent \$3,500. In 2010, it spent \$255,000.

"It's gone beyond ridiculous," Greer said. "That money could be spent on other things, like educating kids."

Candidates receive their money through donations from individuals, businesses and political action committees.

Greer has received contributions from multiple PACs and said he uses that money to fight off other PACs.

"You have to respond when they tell a lie about you," he said.

'Project Hope' brings \$100 million investment to one of Alabama's most economically distressed areas (Yellowhammer News)

PINE HILL, Ala. – A \$100 million, ultra-modern manufacturing facility located just outside of a small town in Wilcox County has begun turning out copper tubing for heating and cooling systems, appliances, refrigeration units and plumbing. But the GD Copper USA plant, located in one of Alabama's most economically distressed counties, has also been able to produce an abundant supply of a completely different kind of product – hope.

How GD Copper USA – part of the China-based Golden Dragon Precise Copper Tube Group – landed on a pine-covered 100-acre tract in Wilcox County is a story that illustrates how Alabama communities and agencies can work in unison to bring an economic development project to a successful conclusion.

The project returned to the spotlight this week as Golden Dragon Chairman Li Changjie joined Alabama Gov. Robert Bentley and other officials at a grand opening event at the plant, which will employ more than 300 people once full production is reached.

At first glance, Wilcox County, an area with around 12,000 residents and no direct interstate access, appears a long shot for international investment. George Alford, manager of the Wilcox County Industrial Development Authority, concedes that before GD Copper came along, the county hadn't had an industrial announcement in more than 35 years.

But the close working relationship between Alford and Thomasville mayor Sheldon Day in nearby Clarke County helped land the deal, even after it appeared to be lost in 2011.

'PROJECT HOPE'

Originally, the GD Copper facility was supposed to go to a 52-acre site in Thomasville, which had beaten out more than 60 other locations, including much larger cities like Dallas and Little Rock. Then

GD Copper's plans suddenly changed. The company informed Mayor Day that the scale of its project was tripling, making the Thomasville site too small.

At the moment the bad news came in August 2011, Day just so happened to be meeting with Alford. The two had been working on a plan to develop what today is known as the Thomasville/West Wilcox County Industrial Park at Sunny South, a 274-acre property that had rail access and infrastructure in place. The Golden Dragon engineers also happened to be in Alabama that day, so Day quickly produced a map that showed them the site near Pine Hill.

The new location got the OK from the Golden Dragon officials, and the project had a new Alabama home. State agencies jumped in the push the project along. ADECA, for instance, provided Pine Hill with an \$866,000 grant for improvements to its water and sewer system, augmented by \$1.8 million in funding from Economic Development Administration. Plus, the Alabama Department of Transportation constructed an industrial road and bridge to serve the project.

"We called it 'Project Hope' and it has given the people in Wilcox County hope and showed them that if you stick with something you can make it happen," said Alford.

Though production started only recently, the state-of-the-art GD Copper facility already has helped change attitudes about the Wilcox County area and its ability to support industry. Both Alford and Day said the area is getting new looks from expansion-minded companies in the wake of GD Copper, and they believe their brand of regional cooperation can serve as a model for rural economic development across Alabama. Day said improved collaboration between towns that used to slug it out over projects can help rural areas better compete with bigger cities.

"This project shows that you can work together to overcome a lot of obstacles," Alford said. "It should be encouraging for a lot of rural communities. The big thing is we didn't let the county line stop this project. I've been in economic development for 42 years, and I have seen that stop lots of projects over the years."

Alabama Secretary of Commerce Greg Canfield said the Golden Dragon project has provided valuable lessons for the state's economic development community regarding rural recruitment strategies and workforce training.

"It's a great story for that region, and it will hopefully give us a template to follow," he told The Montgomery Advertiser.

Alabama Gov. Robert Bentley and state officials visit the Golden Dragon plant
Alabama Gov. Robert Bentley and state officials visit the Golden Dragon plant

ALABAMA-CHINA COMMERCIAL TIES

While Golden Dragon is among only a handful of Chinese-owned businesses currently operating in Alabama, economic development officials believe others will follow as commercial ties between the state and the Asian country continue strengthening. The City of Dothan in March hosted the U.S.-China Manufacturing Symposium, attracting business leaders and officials from both countries. And trade missions to China led by the governor have become common.

China is also a top trading partner for Alabama. Exports approaching \$2.5 billion in value were shipped from Alabama to China in 2013, making China the No. 2 market for Alabama-made products, behind only Canada.

Alabama's auto industry has benefited from the state's ties to China as well. Last year, nearly \$1.5 billion in Alabama-made automobiles and parts were shipped to China, an increase of more than 21 percent from 2012, according to the Alabama Department of Commerce's International Trade Division. Plastics and chemicals were other top categories for Alabama exports to China.

"Alabama's stature in the global economy continues to rise, with companies like Golden Dragon Precise Copper Tube Group establishing operations in the state," Secretary Canfield said. "We intend to work hard to develop new partnerships with Chinese companies to secure new investment and jobs for the state. This project just represents the start."

Career tech dual enrollment program 'dawn of a new age' (Daily Mountain Eagle)

by Jennifer Cohron

Local legislators, educators and business leaders gathered Tuesday to celebrate a newly-approved tax credit that will pay for more high school students to pursue technical careers.

The act, which was signed into law by Gov. Robert Bentley in March, allows employers to donate funds to the state's career technical dual enrollment program beginning in January 2015. Donors can receive a credit for 50 percent of their contribution and can also direct up to 80 percent of their donation to a specific training program.

"I really believe that Alabama is seeing the dawn of a new age when it comes to dual enrollment and education," said Dr. Mark Heinrich, chancellor of the Alabama Community College System. "Working closely with our associates at the Alabama Department of Education, we now will be able to significantly expand and accelerate the training of high school students for high-demand, high-wage jobs in our state."

The dual enrollment program allows eligible students in grades 10 through 12 to take college classes and receive both high school and college credit.

Upon graduation, students may choose to either enter the workforce with the skills they have gained or continue their education at a community college or four-year institution.

Last year, less than \$2 million in dual enrollment scholarships was awarded to 2,100 students across the state.

"With the new \$5 million line item appropriation, coupled with the possibility of taxpayers stepping forward to fully fund the Alabama Future Workforce Initiative, we will be able to award career technical dual enrollment scholarships to over 10,000 students annually," Heinrich said.

Dr. Tom Huebner, acting president of Bevill State Community College, announced that 1,166 local students have been dually enrolled since 2013. The most popular programs are drafting and design, welding and computer science.

Seth King, a member of the Walker High School Class of 2014, has been enrolled in drafting and design at BSCC for two years.

King has become proficient in professional drafting systems and participated in the NASA Moonbuggy Race and learned to develop architectural house plans. "I am graduating from high school with a clear career path and 33 credit hours toward certification in drafting and design with only five courses left to complete the program. Not bad for an 18-year-old high school graduate," King said at Tuesday's press conference, which was held at the BSCC Business Incubator on Industrial Drive.

Sen. Greg Reed said the new dual enrollment legislation was a "top priority" in the recent session.

He underscored the importance of the act by quoting a finding of the Alabama Industrial Development Board that the average welder in the state is 56.

"Think about the novelty of going to business leaders and saying, 'What do we need to help create that you are going to be able to utilize in the workforce over the next few years? And if it's important

enough for you to give us some money to help with it, we are willing to give you a tax credit on it so that we keep you engaged," Reed said.

District 13 Representative Bill Roberts, an avid supporter of the legislation, told the crowd that "career tech is the future of Alabama."

He shared the story of a young man he met recently who is interested in pursuing a career technical degree but needs guidance. "He didn't take anything in high school in the career tech field. He said, 'I think I want to be a welder, but I've never welded. I may be an electrician.' If he had gone through this program, he wouldn't have had those questions. He would have been able to work it out in high school," Roberts said.

Mark Keller, president of Fontaine Trailer in Jasper, said two-thirds of his company's employees are welders, assemblers and painters. Filling open positions has sometimes been a struggle.

"We need trained employees who can come in and go to work immediately. I believe the employees who come through these programs that we are developing are going to come right into our facility one day and go to work," Keller said.

[Congressmen Byrne, Palazzo demand answers about care provided by Biloxi VA \(al.com\)](#)

A pair of Gulf Coast congressman have formally requested information from the Department of Veterans Affairs about care provided by VA facilities in Biloxi and Jackson in Mississippi.

The letter from U.S. Reps. Bradley Byrne, R-Mobile, and Steven Palazzo, R-Biloxi, comes on the heels of revelations that some veterans in Arizona died while waiting for care at a VA facility in Phoenix.

"Over the past months, my office has been in communication with the VA facility in Biloxi in a good faith effort to find out what problems exist at the local level and to learn how we can help," Byrne said in a prepared statement. "However, I remain concerned that there may be institutional problems that have not been adequately addressed, leaving southwest Alabama veterans without sufficient access to this care."

Biloxi is the nearest city with a VA facility for many veterans in Byrne's district.

Officials from Department of Veterans Affairs did not immediately respond to a call for comment.

Byrne already has called for the resignation of VA Secretary Eric Shinseki.

An inspector general report found that more than 1,700 veterans were left off waiting lists for primary care appointments, a move that allowed hospital administrators to receive performance bonuses.

According to the report, 1,400 veterans were on the facility's electronic waiting list but did not have appointments. Another 1,700 were not entered into the system at all.

The report showed veterans waiting an average of 115 days for their first primary care appointment, with 84 percent waiting more than 14 days.

A spokesman for Byrne said the action is part of the congressman's oversight role and not in response to any specific allegation of wrongdoing.

But the Biloxi VA has been the target of negligence allegations before. In March, as reported by the International Business Times, the government agreed to pay \$250,000 to settle a lawsuit filed by the widow of a retired Air Force colonel who died in 2011. According to the allegations, a radiologist discovered a 2-centimeter mass in Jim Workman's lung in 2008 and recommended that his primary doctor follow up.

The doctor never read the note or the X-ray, according to the allegations, and Workman was diagnosed with lung cancer almost two years later.

The letter signed by Byrne and Palazzo requests information about whether lists similar to the one maintained at the Phoenix VA were maintained by VA officials in Mississippi, the current wait times for care at each facility and how veterans are referred to outside providers.

The congressmen wrote that they have "serious concerns" about the ability of the VA facility in Jackson to meet the needs of veterans. They also expressed concern about the recent removal of the chief of surgery at the Biloxi VA hospital.

"We certainly understand the constraints that the VA system is under as it serves an aging and rapidly increasing veteran population; however, there is no excuse for negligence of this scale," the letter states. "We will do everything in our power to ensure these veterans are not being cast aside or their cases mismanaged. Our veterans deserve better."

Byrne said in his statement that he will keep the pressure on VA officials.

"I expect a timely response from the Biloxi VA so that I can begin the work of helping veterans in my district receive the care they have earned through their service," Byrne stated. "I will keep all my constituents informed on this matter moving forward."

GOP rejects FLOTUS in school lunch battle (Politico)

By: Helena Bottemiller Evich and Bill Tomson

May 29, 2014 11:04 AM EDT

House Republicans pushing to relax school nutrition standards backed by first lady Michelle Obama are looking forward to the coming battle with the Senate.

They may have picked an unusually high-profile food fight with the White House — and especially the East Wing — but GOP lawmakers behind the push are confident it's a fight they can win.

The House Appropriations Committee voted, 31-18, Thursday to advance a fiscal 2015 agriculture spending bill with a controversial rider that would allow schools to opt out of nutrition rules requiring more fruits and vegetables, less sodium and more whole grain-rich products if they are losing money from the healthier meals.

The move sets up what promises to be a contentious conference between the House and Senate bills, although the measures have yet to clear either chamber.

Rep. Robert Aderholt (R-Ala.), chairman of the House Appropriations subcommittee on agriculture, told POLITICO after the vote that he's confident Republicans will ultimately prevail in giving school districts the option of a waiver.

"I think that between now and when we go to conference, that you're going to hear the school nutritionists speak very loudly to [lawmakers]," said Aderholt, who predicted that some Democrats will break ranks and back the effort.

"This is not a roll back and so I think that people, when they see what the language is, they'll be very open to this," Aderholt said.

But Democrats are digging in their heels, buoyed by uncharacteristically public political support from first lady and the fact that the Senate Appropriations Committee did not include the waiver in the recent approval its agriculture spending bill.

White House spokesman Jay Carney responded to the House Appropriations Committee action during the daily briefing on Thursday, calling the rider on school lunches "a provision that replaces the judgment of doctors and nutritionists with the opinions of politicians regarding what is healthy for our kids."

"The House Republican proposal would undercut school nutrition standards that have already been successfully implemented in over 90% of schools," Carney said. "These are the same people who just last year declared pizza as a vegetable and who now think that decisions about kids' health should be made by politicians instead of pediatricians."

The Senate spending bill does not contain waiver language but includes a much more limited amendment that asks the Department of Agriculture to further study the next wave of rules that would mandate all breads, pastas and cereals be whole grain rich and set stricter limits on sodium in school meals. It also asks the department to ensure products like whole grain tortillas and biscuits are adequately available to schools.

The White House and nutrition advocates, however, view the waiver as a veiled attempt to gut the law until Congress reauthorizes child nutrition programs next year.

House Democrats vociferously fought back during the markup of the House spending bill Thursday, but failed to pass an amendment by Rep. Sam Farr (D-Calif.) to strip the waiver language from the measure. The panel rejected the amendment by a 29-22 vote.

"Congress should know better," said Farr during the meeting. "Let's put kids' health first."

"We don't tell kids, 'Look, you don't have to take math if it's hard or science if it's hard,'" Farr said. "This opt out of nutrition is just the wrong way to go."

Aderholt, however, strongly defended what he called "a very real problem in many school districts across the country."

"We've had calls, we've had emails, we've had meetings with school nutritionists, who some of us affectionately know as lunch ladies," he said.

Aderholt emphasized that the waiver only allows schools a one-year break on regulations “if and only if a school has lost money over a six-month period.”

In a particularly pointed exchange during markup, Rep. Debbie Wasserman Schultz (D-Fla.) asked Republicans on the committee whether they are aiming to make waivers permanent – a concern that Agriculture Secretary Tom Vilsack and others have raised in recent days.

“So the majority does not intend to eliminate these nutrition standards?” asked Wasserman Schultz.

“Not in this bill,” Aderholt said. The packed room erupted in laughter and then Aderholt noted that the waiver would only apply to the next school year.

The opposition to many of the new nutrition standards, which stem from the 2010 Healthy Hunger-Free Kids Act, has been fueled primarily by an extensive lobbying effort by the School Nutrition Association.

The group, which represents 55,000 school nutrition professionals and the food companies that supply the National School Lunch Program, has been flying in school meal directors and cafeteria workers from across the country to ask lawmakers to give schools some regulatory relief by “hitting the pause button” on the sweeping rules.

SNA argues that many schools are struggling to adjust and losing money as a result. Kids, they say, are having an especially hard time adjusting and are throwing the healthier meals in trash cans.

The bitter fight over the nutrition rules have sparked remarkably bold, political moves from the first lady. On Tuesday, Obama hosted a roundtable with school nutrition leaders who support the changes and don’t think schools should be allowed to opt out.

The first lady expressed frustration over the effort on Capitol Hill and directly questioned why SNA had changed their tune after lobbying for the landmark school lunch reform law, which cleared Congress with strong bipartisan support.

“Why are we even having this conversation?” Obama asked during the meeting with nutrition leaders Tuesday. “Help me understand why, especially given the fact that the School Nutrition Association worked to pass the original changes in the nutrition standards. ... If anyone can help me understand how we wound up here ...”

Several nutrition advocates have alleged that SNA’s industry members like ConAgra, Schwan’s and Domino’s are behind the pushback against stricter food standards, something SNA strongly denies.

On Wednesday morning, The New York Times ran an op-ed by the first lady, in which she called on lawmakers to listen to nutrition experts.

"The bottom line is very simple: As parents, we always put our children's interests first," Obama said. "We wake up every morning and go to bed every night worrying about their well-being and their futures. And when we make decisions about our kids' health, we rely on doctors and experts who can give us accurate information based on sound science. Our leaders in Washington should do the same."

Nutrition advocates, who have been playing defense to keep the new nutrition rules on track, expressed disappointment Thursday after the House advanced the spending bill.

The produce industry, a major backer of the new nutrition standards, which mandate more fruits and vegetables be served, chided the committee for advancing the waiver provision.

"We are deeply disappointed by the vote today by the House Appropriations Committee to roll back school meal nutrition standards that benefit the health of millions of American children," said United Fresh President & CEO Tom Stenzel. "

Stenzel said that he believes the lengthy debate over Farr's amendment during markup "shows that the waiver provision in the current bill is flawed."

"If Republicans are truly concerned about children's health and support healthy school lunches, they should constructively help schools meet nutrition standards and serve good tasting, healthy food to school children, not give schools a free pass and go back to the days of serving junk food," said Margo Wootan, director of nutrition policy at the Center for Science in the Public Interest.

Nancy Brown, CEO of the American Heart Association, which lobbied for the school lunch reforms, blasted the appropriations vote.

"We cannot go back to the days when the answer to 'What's for lunch?' was pizza, french fries and chicken nuggets," Brown said in a statement.

"America's school lunch program works and will help our children live free of heart disease and stroke," Brown said. "Our urgent plea to Congress is to not undo the program's strong progress by putting special interests back on school menus."

SNA responded Thursday by applauding appropriators and by demanding that both USDA and the Obama administration take "immediate action" to give schools regulatory relief.

"We appreciate the House Appropriations Committee's support for this waiver to give temporary needed relief to some schools across the country," said Leah Schmidt, president of the group. "This will not halt the progress in school cafeterias; it is a temporary reprieve to allow schools to catch up."