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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 3

Total Cost of Discretionary Authorizations: \$212 million over 5 years

Effect on Revenue: None

Total Change in Mandatory Spending: None

Total New State & Local Government Mandates: 1

Total New Private Sector Mandates: Multiple in H.R. 2929

Number of Bills Without Committee Reports: 5

Number of Reported Bills that Don’t Cite Specific Clauses of Constitutional Authority: 0

S. 878—Bankruptcy Judgeship Act (Craig)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5th, 2004, under a structured rule (H.Res. 814) that makes two amendments in order (summarized below). The rule will be debated and voted on the same day.

Summary: The bill would authorize the following 47 additional district court judges and 11 additional circuit court judges:

New District Judgeships:

Northern District of Arizona (1)	Western District of Missouri (1)
Middle District of Alabama (1)	District of Nebraska (1)
District of Arizona (3)	District of New Mexico (2)
Northern District of California (1)	Eastern District of New York (3)
Eastern District of California (3)	District of Oregon (1)
Central District of California (1)	District of South Carolina (1)
Southern District of California (2)	District of Utah (1)
Middle District of Florida (2)	Eastern District of Virginia (2)
Southern District of Florida (4)	Western District of Washington (1)
District of Idaho (1)	

Conversion of Temporary to Permanent Judgeships:

District of Hawaii (1)	Eastern District of Missouri (1)
District of Kansas (1)	

New Temporary Judgeships:

Northern District of California (1)	Northern District of Indiana (1)
Central District of California (1)	Southern District of Indiana (1)
Southern District of California (3)	Northern District of Iowa (1)
District of Colorado (1)	District of New Mexico (1)
Middle District of Florida (1)	Eastern District of New York (1)
Northern District of Illinois (1)	Western District of New York (1)

Additional Circuit Judges:

1 st Circuit (1)	6 th Circuit (1)
2 nd Circuit (2)	9 th Circuit (5 permanent, 2 temporary)

Background: According to the Committee report, the Judicial Conference of the United States reviews biannually the judgeship needs of all U.S. courts of appeal and district courts. It then submits its recommendations to the House and Senate Judiciary Committees. The Conference recommended in May 2003 that Congress establish an additional 46 district court judges and 11 circuit court judges.

Cost to Taxpayers: According to CBO, the bill (as reported) would increase direct spending by \$3 million in FY05 and \$40 million over five years to pay for the salaries and benefits of

the new judges. In addition, CBO estimates that implementing the bill would cost (subject to appropriations) \$225 million over five years to pay staff salaries, supplies, and rent or construct additional office space. However, the bill exceeds the Judiciary Committee's 302(a) allocation over the five year period and would be subject to a point of order.

NOTE: The rule makes in order a manager's amendment (described below) that will bring the cost of the bill into compliance with the budget resolution. The amended bill is expected to cost \$3 million in FY05 and \$22 million over five years (the amount provided for in the budget resolution for new judges).

Committee Action: The bill passed the Senate by unanimous consent on May 22, 2003 and was referred to the House Judiciary Committee, which considered the bill and reported it to the full House on September 9 by voice vote.

Amendments Made in Order Under the Rule (H.Res. 814):

Sensenbrenner (Manager's Amendment): Staggers implementation of the 58 new Federal circuit and district court judgeships created by bill over seven fiscal years (i.e. through FY2011). This delay would push much of the cost of the bill beyond the five-year window of the budget resolution, therefore allowing the bill to comply with the budget resolution.

Simpson: Splits the current 9th Circuit Court of Appeals into three new Circuits: a new 9th Circuit would consist of California, Guam, Hawaii, and the Northern Mariana Islands; a new 12th Circuit featuring Arizona, Nevada, Idaho, and Montana; and a new 13th Circuit featuring Alaska, Oregon, and Washington.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill expands the federal judiciary to add 47 new district court judges and 11 new circuit court judges.

Does the Bill Contain Any New State-Government, Local Government, or Private Sector Mandates?: No.

Constitutional Authority: The Judiciary Committee, in House Report 108-708, cites authority in Article III, Section 1 of the Constitution.

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H.Con.Res. 480—Recognizing the spirit of Jacob Mock Doub and his contribution to encouraging youth to be physically active and fit and expressing the sense of Congress that “National Take a Kid Mountain Biking Day” should be established in Jacob Mock Doub’s honor (Burr)

Order of Business: The resolution is scheduled for consideration on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 480 resolves that Congress:

- “(1) recognizes the health risks associated with childhood obesity;
- “(2) recognizes the spirit of Jacob Mock Doub and his contribution to encouraging youth of all ages to be physically active and fit, especially through bicycling;
- “(3) expresses its sense that ‘National Take a Kid Mountain Biking Day’ should be established in honor of Jacob Mock Doub; and
- “(4) encourages parents, schools, civic organizations, and students to promote increased physical activity among youth in the United States.”

Additional Background: According to the resolution, Jacob Mock ‘Jack’ Doub, born July 11, 1985, was actively involved in encouraging others, especially children, to ride bicycles. He won almost every cross-country bicycling race he entered for two years, and between the ages of 14 and 17 became a top national-level downhill and slalom competitor. He died unexpectedly from complications related to a bicycling injury on October 21, 2002. Jack Doub's family and friends have joined, in association with the International Mountain Bicycling Association, to honor his spirit and love of bicycling by establishing the Jack Doub Memorial Fund to promote and encourage children of all ages to learn to ride and lead a physically active lifestyle.

Committee Action: The resolution was introduced on July 22, 2004, and referred to the Committee on Energy and Commerce. The Committee did not take official action on the bill.

Cost to Taxpayers: The resolution does not authorize any expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.R. 918—Patient Navigator Outreach and Chronic Disease Prevention Act of 2004 (*Menendez*)

Order of Business: The bill is scheduled for consideration on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 918 would authorize the Secretary of Health and Human Services to make “patient navigator” grants to public or private nonprofit health centers. Funds would be used to hire and train patient navigators, who would help facilitate the care and treatment of individuals in the community. Specifically, patient navigators would assist in the coordination of health care services and provider referrals, notify individuals of clinical trials

and facilitate involvement in trials, provide information to individuals about health coverage options, and conduct outreach to medically underserved populations.

Grants would be for a period of three years (with the option of an extension by the Secretary). All grant periods must conclude before September 30, 2010. The bill requires an evaluation report after the program has concluded.

H.R. 918 authorizes the following amounts:

- \$2 million for FY2006
- \$5 million for FY2007
- \$8 million for FY2008
- \$6.5 million for FY2009
- \$3.5 million for FY2010

Committee Action: H.R. 918 was introduced on February 26, 2003, and referred to the Committees on Energy and Commerce and Resources. The Committee on Energy and Commerce favorably reported the bill (amended) by voice vote on September 30, 2004. The Committee on Resources did not act on the bill.

Cost to Taxpayers: H.R. 918 authorizes \$25 million over five years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates a new patient navigator grant pilot program.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

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H.R. 3015—National All Schedules Prescription Electronic Reporting Act of 2004 (Whitfield)

Order of Business: The bill is scheduled for consideration on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3015 would establish a new program through which the Secretary of Health and Human Services (HHS) would provide grants to States to establish and implement controlled substance monitoring programs. States receiving a grant would have to require dispensers to report each dispensing of a controlled substance to the State within one week. This report would include the name of the practitioner who prescribed the drug; the name, address, and telephone number of the user of the drug; the name and quantity of the drug; and the number of refills ordered. States would maintain this information in an electronic

database. The information in the database could be provided to a practitioner (if the information is for a current patient), any law enforcement or disciplinary authority (if the information is needed for an investigation), or an agent of a federal or state health agency (if the information is for research purposes).

One year after the date of the bill's enactment, the Secretary of HHS would be required to complete a study on the progress of the program and the feasibility of implementing a real-time electronic controlled substance monitoring program (including cost).

The bill authorizes \$25 million for each of fiscal years 2006 and 2007 and \$15 million for each of fiscal years 2008-2010.

Committee Action: H.R. 3015 was introduced on September 4, 2003, and referred to the Committee on Energy and Commerce. The Committee reported the bill (amended) on September 30, 2004.

Cost to Taxpayers: The bill authorizes \$95 million over 5 years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill establishes a new grant program for substance abuse monitoring.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

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H.R. 3858—Pancreatic Islet Cell Transplantation Act of 2004 (Nethercutt)

Order of Business: The bill is scheduled for consideration on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3858 would direct the Centers for Medicare and Medicaid Services (CMS) to grant credit to organ procurement organizations (OPOs), for the purposes of their certification, for pancreases harvested and used for islet cell transplantation and research. The bill also requires the Diabetes Mellitus Interagency Coordinating Committee at the National Institutes of Health to include in its annual report an assessment of the Federal activities and programs related to islet cell transplantation and to make recommendations for legislative or administrative actions that might increase the supply of pancreases available for islet cell transplantation.

Additional Background: Islet cell transplantation is a potential cure for diabetes. In the procedure, islet cells — which contain the insulin-producing beta cells that have been

destroyed in type 1 diabetes — are taken from a donor's pancreas, and transferred to a person with the disease.

Committee Action: H.R. 3858 was introduced on February 26, 2004, and referred to the Committee on Energy and Commerce. The Committee favorably reported the bill by voice vote on September 30.

Cost to Taxpayers: A cost estimate is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

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H.R. 2023—Asthmatic Schoolchildren's Treatment and Health Management Act (Stearns)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2023 would amend Section 399L of the Public Health Service Act (42 U.S.C. 280g) to give a preference (when Health and Human Services makes asthma-related federal grants) to states that allow schoolchildren to self-medicate for asthma and anaphylaxis (a sometime fatal, body-wide allergic reaction that is common with asthma sufferers). To get preferential treatment, a state would have to require that each public elementary school and secondary school in that state give to any student in the school an authorization for the self-administration of medication to treat that student's asthma or anaphylaxis, after the proper consultation (as detailed in the bill) among the student, parents, the student's doctor, and school administrators (including the submission to the school of any written documentation required by the school). A student would have to be allowed to self-medicate while at school, at school-sponsored events, and in transit to and from school—and such medication could be stored at the school as a back-up.

The bill would express a sense of Congress:

1. commending the Centers for Disease Control and Prevention for identifying and creating “Strategies for Addressing Asthma Within a Coordinated School Program” for schools to address asthma; and
2. encouraging all schools to review these strategies and adopt policies that will best meet the needs of their student population.

The bill also contains 15 findings about the history of and current statistics regarding asthma and about the importance of allowing self-treatment in schools. One such finding is: “No school should interfere with the patient-physician relationship.”

Additional Background: Asthma causes airways in the lungs to become inflamed and constricted, causing coughing, wheezing, and difficulty breathing. To learn more about asthma, visit this website: <http://www.cdc.gov/asthma/default.htm>

To access the CDC’s “Strategies for Addressing Asthma Within a Coordinated School Program,” visit this website: <http://www.cdc.gov/HealthyYouth/asthma/pdf/strategies.pdf>

Committee Action: On May 7, 2003, the bill was referred to the Energy & Commerce Committee, as well as the Education and the Workforce Committee. On June 15, 2004, the Energy & Commerce’s Health Subcommittee marked up and forwarded the bill to the full Committee by voice vote. On June 24th, the full Committee marked up and by voice vote ordered the bill reported to the full House. The Education and the Workforce Committee did not take official action on the bill.

Cost to Taxpayers: CBO confirms that the bill would not alter how much federal money is spent on asthma programs—only the distribution of such money.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Energy & Commerce Committee, in House Report 108-606, cites constitutional authority in Article I, Section 8, Clause 3 (which grants Congress the power to regulate interstate commerce).

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H.R. 4555—Mammography Quality Standards Reauthorization Act (Dingell)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Note: The Senate passed a similar bill, S. 1879 (sponsored by Senator Barbara Mikulski, D-MD), on February 2, 2004, by unanimous consent. That bill would reauthorize the Mammography Quality Standards Act through 2005 (the House bill reauthorizes it through 2007).

Summary: H.R. 4555 would reauthorize through fiscal year 2007 the Mammography Quality Standards Act (MQSA), first enacted in 1992 and reauthorized in 1998 through 2002. The

Act, as the name implies, sets federal standards for the delivery of mammographies, in the name of increasing the early detection of breast cancer. More specifically, MQSA provided that mammography screening and diagnostic services be accredited and certified by the Food and Drug Administration (FDA). According to the Energy & Commerce Committee, as of June 30, 2004, there were 9,039 MQSA-certified facilities in the U.S. and its territories.

H.R. 4555 would also allow the FDA to issue temporary renewal certificates, for periods not to exceed 45 days, to facilities (under certain circumstances) seeking reaccreditation under MQSA. The FDA could also issue (upon the request of an accreditation body operating under the FDA) a limited provisional certificate for a period not to exceed 72 hours, to allow facilities to conduct examinations for educational purposes while onsite visits from an accreditation body is in progress.

H.R. 4555 would allow the FDA to appoint mammography equipment experts to the National Mammography Quality Assurance Advisory Committee and remove the requirement that the Advisory Committee meet twice a year.

Although the bill would authorize “such sums” for the FDA accreditation and certification processes, CBO estimates that H.R. 4555 would authorize \$17 million in each of FY2005 and FY2006 and \$18 million in FY2007 (for the MQSA activities that are not supported by user fees).

Committee Action: On June 15, 2004, the Energy & Commerce’s Health Subcommittee marked up and forwarded the bill to the full Committee by voice vote. On June 24th, the full Committee marked up and by voice vote ordered the bill reported to the full House.

Cost to Taxpayers: CBO estimates that H.R. 4555 would authorize \$17 million in each of FY2005 and FY2006 and \$18 million in FY2007.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Energy & Commerce Committee, in House Report 108-606, cites constitutional authority in Article I, Section 8, Clause 3 (which grants Congress the power to regulate interstate commerce).

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H.R. 2929—Securely Protect Yourself Against Cyber Trespass Act (“SPY-ACT”) (Bono)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Note: A similar bill on this topic, H.R. 4661, reported by the House Judiciary Committee, will be considered on the House floor tomorrow.

Summary: H.R. 2929 would make it illegal for any person, who is not the owner or authorized user of a protected computer (defined in the bill), to engage in deceptive acts or practices in connection with any of the following:

- Taking control of the computer by--
 - utilizing such computer to send unsolicited information or material from the protected computer to others;
 - diverting the Internet browser of the computer away from the site the user intended to view;
 - accessing or using the modem and thereby causing damage to the computer or unauthorized financial charges;
 - using the computer as part of an activity performed by a group of computers that causes damage to another computer; or
 - delivering advertisements that a user cannot close without turning off the computer or shutting down the Internet browser.

- Modifying settings related to use of the computer or to the computer's access to or use of the Internet by altering--
 - the user's default homepage when using an Internet browser;
 - the default Internet Service Provider or other existing Internet connections settings;
 - a list of bookmarks; or
 - security settings.

- Collecting personally identifiable information through the use of a keystroke logging function or similar function.

- Inducing the owner or authorized user to install a computer software component onto the computer, or preventing reasonable efforts to block the installation or execution of, or to disable, a computer software component by--
 - presenting a fake option to decline a software installation; or
 - causing a computer software component that the owner or authorized user has properly removed or disabled to automatically reinstall or reactivate on the computer.

- Misrepresenting that installing a separate software component or providing log-in and password information is necessary for security or privacy reasons, or that installing a separate software component is necessary to open, view, or play a particular type of content.

- Inducing the owner or authorized user to install or execute computer software by misrepresenting the identity or authority of the person or entity providing the computer software to the owner or user.
- Inducing the owner or authorized user to provide personally identifiable information to another person by misrepresenting the identity or authority of the person seeking the information.
- Removing, disabling, or rendering inoperative a security, anti-spyware, or anti-virus technology installed on the computer.
- Installing or executing on the computer one or more additional computer software components with the intent of causing a person to use such components in a way that violates any other provision of this section.

The bill would also make it unlawful to transmit an information collection program to a computer without consent of the owner or authorized user of the computer. Notice seeking consent would have to meet the detailed standards outlined in the bill. Distinct consent would have to be received from the computer owner or authorized user for each type of information sought. A telecommunications carrier, provider of information service or interactive computer service, cable operator, or provider of transmission capability would not be liable for violations of the information collection program provisions.

This bill would not apply to “cookies.” [A cookie is a small text file that a Web server can store on a user's hard disk. Cookies, which are mainly used for identification purposes, allow a Web site to store information on a user's machine and later retrieve it.]

H.R. 2929 would set that violations of this legislation would be punishable by the Federal Trade Commission and would establish maximum civil penalties.

Activities conducted under properly authorized law enforcement or national security auspices would be exempt from the provisions of this bill. The bill would also protect from liability:

- providers of Internet access that are taking actions to protect network security; and
- people and companies who are making good-faith efforts (with the consent of computer owners) to remove spyware.

H.R. 2929 would explicitly pre-empt state laws regarding the above topics, though NOT state trespass, contract, tort, or other fraud-related law.

The Federal Trade Commission would have to report annually to Congress on the enforcement of these provisions. The legislation would not apply after December 31, 2009.

Additional Background: The Federal Trade Commission loosely defines “spyware” as software “that aids in gathering information about a person or organization without their knowledge and which may send such information to another entity without the consumer's consent, or asserts control over a computer without the consumer's knowledge.”

Committee Action: On June 17, 2004, the Subcommittee on Commerce, Trade and Consumer Protection marked up and forwarded the bill to the full Energy & Commerce Committee by voice vote. On June 24th, the Committee marked up and ordered the bill reported to the full House by a vote of 45-5.

Cost to Taxpayers: CBO estimates that this legislation would not have a significant impact on federal revenues or spending.

Does the Bill Expand the Size and Scope of the Federal Government?: The FTC has already been combating spyware. However, this bill would explicitly pre-empt state laws in this area. According to CBO, Utah has already passed legislation that this bill would preempt, and California, Iowa, and New York have bills pending before their state legislatures.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes: one intragovernmental mandate (the pre-emption) and various private-sector mandates (on persons who use computer programs to collect certain information from another person's computer).

Constitutional Authority: The Energy & Commerce Committee, in House Report 108-619, cites constitutional authority in Article I, Section 8, Clause 3 (which grants Congress the power to regulate interstate commerce).

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H.Con.Res. 250—Recognizing community organization of public access defibrillation programs (*Brown of Ohio*)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 250 would resolve that Congress:

- “recognizes the growing number of community activists, organizations, and municipal governments leading the national effort to establish public access defibrillation (PAD) programs; and
- “encourages the continued development and implementation of PAD programs in schools, sports arenas, large hotels, concert halls, high-rise buildings, gated communities, buildings subject to high-security, and similar facilities to increase the survival rate for victims of cardiac arrest.”

Additional Background: According to the resolution, 60% of all cardiac arrests occur outside the hospital, and the average national survival rate for an out-of-hospital victim of cardiac arrest is only 5%. Automated External Defibrillators (AEDs) make it possible for trained non-medical rescuers to deliver potentially life-saving defibrillation to victims of

cardiac arrest. Public Access Defibrillation (PAD) programs train non-medical individuals to use AEDs.

Committee Action: On September 30, 2004, the Energy & Commerce Committee ordered the resolution reported to the House floor by voice vote.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.Con.Res. 34—Expressing the sense of the Congress that private health insurance companies should take a proactive role in promoting healthy lifestyles, and for other purposes (*McCarthy*)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 5, 2004, under a motion to suspend the rules and pass the bill.

Summary: The resolution resolves that:

- (1) “the Congress commends Secretary of Health and Human Services Tommy Thompson for his efforts to encourage private health insurance companies to take action to encourage people in the United States to lead active lifestyles;
- (2) “**it is the sense of the Congress that private health insurance companies should--**
 - (A) do more to encourage people in the United States to lead a healthier and more active lifestyle to prevent expensive and painful illnesses;
 - (B) **provide discounted premiums to those who exercise regularly;** and
 - (C) encourage frequent screening for diseases that are easily treatable in their early stages; and“(3) the Congress applauds private health insurance companies that are already taking these actions ”(emphasis added).”

Additional Information: The resolution’s findings state that HHS Secretary “**Tommy Thompson** acknowledges that \$270 [billion] in health costs are caused by preventable diseases, including \$183 [billion] for heart disease alone, **and has called current policies of insurance companies “wrongheaded” for not doing more to encourage people to stay healthy to prevent expensive illnesses.**”

The findings also note that “**the Internal Revenue Code of 1986 provides tax incentives for taxpayers who are obese, but not for those who are active and healthy**” and “**providing incentives for exercise and strength training would help more people become active and healthy and would decrease national medical costs**” (emphasis added).

The findings also note that obesity increases the risk of illness from more than 30 medical conditions, including heart disease, cancer, stroke, chronic obstructive pulmonary disease, and diabetes, which account for 2/3 of all deaths in the United States, and that 61 percent of U.S. adults are above their target weight, and 13 percent of children and adolescents are obese or overweight.

Committee Action: The resolution was introduced on June 3, 2004, and referred to the Committee on Energy and Commerce, which reported it by voice vote on September 30, 2004.

Cost to Taxpayers: None.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.R. 4504—Orderly and Timely Interstate Placement of Foster Children Act of 2004 (DeLay)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5, 2004, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4504 amends the Social Security Act (42 U.S.C. 671) with regard to federal foster care reimbursement to require that within 60 days after a state requests a home study background from another state (for purposes of adoption or placement), the other state must respond and report on the results. The bill authorizes \$10 million a year for FY05-08 (\$40 million total) for incentive payments to states that implement “timely interstate home studies” for foster care adoptions or placements. Such payments will be \$1,500 for each interstate home study completed within 30 days to facilitate the placement of a foster care child with a relative or for adoption. The state that requested the home study would be required to treat the study as meeting any of its own child placement requirements, unless within 14 days of receiving the report the state determines that relying on the report would be contrary to the welfare of the child. The bill lays out a payment scale if the funds authorized are not fully appropriated and states that funds must be used for children or family services authorized under the Social Security Act.

H.R. 4504 requires all states to conduct criminal background checks and child abuse registry checks on prospective foster and adoptive parents before placing any foster child in their care. The bill immediately suspends the ability of any additional states to “opt-out” of federal criminal background check procedures, which requires mandatory disapproval of a placement for any federally funded foster care child, if the records check of the prospective foster or adoptive parent reveals that person was at any time convicted of felony child abuse, spousal abuse, a crime involving children (including child pornography), or a crime involving violence (including rape, sexual assault or battery, but not including other physical assault or battery); or if the record check shows a felony conviction for homicide, physical assault, battery or a drug-related offense that was committed in the last five years. There are currently a number of states which opt out of this requirement, though the opt out is eliminated entirely in H.R. 4504 by October 2006, if a state intends to file a federal foster care payment claim.

The bill also prohibits states from restricting the ability of a state agency to contract with a private agency to conduct interstate home studies and encourages states to contract for such services, if needed, to meet the 60-day deadline established by this bill. A GAO study is required within a year following enactment.

Committee Action: The bill was introduced on June 3, 2004, and referred to the Committee on Ways and Means, which did not consider it.

Cost to Taxpayers: A CBO cost estimate is unavailable. The bill authorizes \$40 million over the 2005 to 2008 period. If the bill is successful in more rapidly placing a foster care child in a permanent setting, it is likely it will reduce mandatory spending by reducing federal outlays for foster care payments to states.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates a new federally funded incentive grant program for interstate foster care adoption. As noted above it also has the potential to shrink mandatory foster care reimbursement payments to states.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The bill requires background checks for foster child placements, which is likely an intergovernmental mandate, though a CBO report on mandates is unavailable

Constitutional Authority: A Ways and Means Committee report citing authority is unavailable.

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H.R. 5011—Military Personnel Financial Services Protection Act (Burns)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5th, 2004, under a motion to suspend the rules and pass the bill.

Summary: The bill would prohibit the sale of contractual or periodic payment plan mutual funds to military personnel. According to the bill's findings, these financial products have not been marketed to civilians since the 1980s as a result of high fees. In addition, the bill would clarify that State insurance commissioners have the jurisdiction to regulate the business of insurance on military bases.

Additional Information: The House Financial Services Committee recently held a hearing to consider the merits of contractual mutual funds. These plans have a high first-year sales charge (50%) with such fees gradually diminishing over the term of the contract. According to one witness, "it is particularly offensive that insurance agents peddle overpriced, unsuitable products to the men and women who daily put their lives on the line for America's defense." For more information regarding this hearing, please visit the Committee's website: <http://financialservices.house.gov/hearings.asp?formmode=detail&hearing=331>

Committee Action: The bill was introduced on September 7, 2004 and referred to the House Financial Services Committee, which considered the bill and reported it to the full House on September 15 by a vote of 68 to 0.

Cost to Taxpayers: A cost estimate is not yet available, but the bill authorizes no funding.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local Government, or Private Sector Mandates?: No.

Constitutional Authority: A committee report citing authority is not available.

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H.J.Res. 57—Expressing the sense of Congress in recognition of the contributions of the seven Columbia astronauts by supporting establishment of a Columbia Memorial Science Learning Center (*Royal-Allard*)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5th, 2004, under a motion to suspend the rules and pass the bill.

Summary: The resolution has nine findings and states:

“(1) the space science learning center in Downey, California, should be designated as the Columbia Memorial Space Science Learning Center as a living memorial to the seven Columbia astronauts who died serving their country in the name of science and research and (2) the federal government, along with public and private organizations and persons, should continue to cooperate in the establishment of such a center.”

Additional Information: On February 1, 2003, the NASA Space Shuttle Columbia disintegrated over northeastern Texas as it returned to Earth after a 16-day scientific mission. All seven astronauts aboard were killed. Downey, California is the site of the former Boeing manufacturing plant that built the space shuttles (including the Columbia and the Challenger).

Committee Action: The resolution was introduced on May 22, 2003 and referred to the House Science Committee. The committee did not consider it.

Cost to Taxpayers: None.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local Government, or Private Sector Mandates?: No.

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H.Con.Res. 306—Honoring the Service of Native American Indians in the United States Armed Forces (Renzi)

Order of Business: The resolution is scheduled for consideration on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 306 resolves that the House:

- “(1) honors the service of Native American Indians in the Armed Forces;
- “(2) recommends the establishment of a National Native American Indian Veterans Day;
- “(3) encourages all Americans to learn about the history of the service of Native American Indians in the Armed Forces; and
- “(4) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies, activities, and programs to demonstrate their support for Native American Indian veterans.”

The findings in the bill note, “November 7, a date during the annual Native American Indian Heritage Month, would be an appropriate day to establish as National Native American Indian Veterans Day.”

Committee Action: H.Con.Res. 306 was introduced on October 17, 2003, and referred to the Committee on Armed Services. The Committee did not take official action on the bill.

Cost to Taxpayers: The resolution does not authorize any expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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