

Legislative Bulletin.....October 6, 2005

Part I

Contents:

- H.Res. 261** — Expressing the sense of the House of Representatives that the Centers for Medicare & Medicaid Services should be commended for implementing the Medicare demonstration project to assess the quality of care of cancer patients undergoing chemotherapy, and should extend the project, at least through 2006, subject to any appropriate modifications
- S. 1413** — A bill to redesignate the Crowne Plaza in Kingston, Jamaica, as the Colin L. Powell Residential Plaza
- H.Con.Res. 161** — Authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March
- S. 1786** — A bill to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita
- H.Res. 15** — Supporting the goals and ideals of National Campus Safety Awareness Month
- H.Res. 276** — Supporting the goals and ideals of Pancreatic Cancer Awareness Month
- H.Con.Res. 59** — Recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation
- H.R. 3439** — Ava Gardner Post Office Building Designation Act

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: 0

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

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

H.Res. 261 — Expressing the sense of the House of Representatives that the Centers for Medicare & Medicaid Services should be commended for

implementing the Medicare demonstration project to assess the quality of care of cancer patients undergoing chemotherapy, and should extend the project, at least through 2006, subject to any appropriate modifications (Hall)

Order of Business: The resolution is scheduled for consideration on Thursday, October 6, 2005, under a motion to suspend the rules and pass the bill. Under House rules, suspensions may not be considered on Thursday or Friday, but the Rule providing for consideration of the continuing resolution (H.Res. 469) waived the House rule with a provision that “Provides that suspensions will be in order at any time on the legislative day of Thursday, October 6, 2005.”

Summary: H.Res. 261 resolves, that it is the sense of the House of Representatives that:

- “the Centers for Medicare & Medicaid Services should extend through 2006 the Medicare demonstration project to assess the quality of care for patients undergoing chemotherapy, and then thoroughly review the merits of the demonstration project;
- “the Centers for Medicare & Medicaid Services should use the results of this demonstration project to develop a system to pay for chemotherapy services under Medicare based on the quality of care delivered and the resources used to deliver that care, including physician performance;
- “the demonstration project should be modified to accumulate even more useful data relating to the quality of care furnished to Medicare patients with cancer, such as the clinical context in which chemotherapy is administered, and patient outcomes; and
- “payments to physicians for participation in the demonstration project should facilitate continued access of Medicare patients with cancer to chemotherapy treatments of the highest quality.”

The resolution lists a number of findings including:

- “chemotherapy for cancer patients is primarily furnished in physician offices and is therefore subject to the revised method for determining payment amounts;
- “in 2005 the Medicare program instituted a demonstration project to assess the quality of care for patients undergoing chemotherapy by collecting data on the impact of chemotherapy on cancer patients’ quality of life;
- “reports by the Department of Health and Human Services and the Medicare Payment Advisory Commission regarding any effects from the changes in the reimbursement method for chemotherapy services are not due until late 2005 and January 1, 2006;
- “the demonstration project achieves the concurrent objectives of collecting data to improve the quality of cancer care and maintaining financial support for cancer chemotherapy pending the completion and review of studies on the recent reimbursement changes;
- “it may be possible to modify the demonstration project to collect additional or different data elements that would make it even more useful in enhancing the quality of cancer care; and
- “it is essential that the access of Medicare cancer patients to chemotherapy treatment be maintained and in the strong interest of patients that the quality of their care be assessed and improved.”

Committee Action: On May 4, 2005, the resolution was introduced and referred to the House Committee on Energy and Commerce, which considered it, held a mark-up, and amended it, and

passed it by a voice vote on May 4, 2005. The resolution was then referred to the House Committee on Ways and Means.

Cost to Taxpayers: The resolution authorizes no expenditures.

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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S. 1413— A bill to redesignate the Crowne Plaza in Kingston, Jamaica, as the Colin L. Powell Residential Plaza (Sen. Lugar)

Order of Business: The bill is scheduled for consideration on Thursday, October 6, 2005, under a motion to suspend the rules and pass the bill. Under House rules, suspensions may not be considered on Thursday or Friday, but the Rule providing for consideration of the continuing resolution (H.Res. 469) waived the House rule with a provision that “Provides that suspensions will be in order at any time on the legislative day of Thursday, October 6, 2005.”

Summary: S. 1413 designates the federal building in Kingston, Jamaica, formerly known as the Crowne Plaza and now a staff housing facility for the United States mission in Jamaica, as the “Colin L. Powell Residential Plaza.”

Additional Information: The federal building being renamed in this resolution is located on U.S. property in Kingston, Jamaica and currently houses U.S. federal employees. The building is being named after former Secretary of State Colin Powell, whose father is of Jamaican decent.

Committee Action: On July 19, 2005, the bill was sent to the House of Representatives and referred to the House Committee on Transportation and Infrastructure, which took no official action.

Cost to Taxpayers: There is no CBO cost estimate available for S.1413.

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: No House report is available for S. 1413, and the Senate does not require a report or a statement of constitutional authority.

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H.Con.Res. 161— Authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March — *as introduced (Davis of IL)*

Order of Business: The resolution is scheduled for consideration on Thursday, October 6, 2005, under a motion to suspend the rules and pass the bill. Under House rules, suspensions may not be considered on Thursday or Friday, but the Rule providing for consideration of the continuing resolution (H.Res. 469) waived the House rule with a provision that “Provides that suspensions will be in order at any time on the legislative day of Thursday, October 6, 2005.”

Summary: H.Con.Res. 161 authorizes the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March. The resolution permits Million Man March, Inc. to sponsor a public event on the Capitol Grounds to commemorate the 10th Anniversary of the Million Man March on October 15, 2005. The resolution provides that, under the conditions as prescribed by the Architect of the Capitol and the Capitol Police Board, the event is to be free of admission charges, open to the public, and arranged not to interfere with the needs of Congress. Additionally, Million Man March, Inc. is to assume full responsibility for all expenses and liabilities incident to all activities associated with the event. The event sponsor is authorized to set up on the Capitol Grounds a stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

Committee Action: On May 19, 2005, the resolution was introduced and referred to the House Committee on Transportation and Infrastructure, which took no official action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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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S. 1786 — A bill to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita (Sen. Lott)

Order of Business: The bill is scheduled for consideration on Thursday, October 6, 2005, under a motion to suspend the rules and pass the bill. Under House rules, suspensions may not be considered on Thursday or Friday, but the Rule providing for consideration of the continuing resolution (H.Res. 469) waived the House rule with a provision that “Provides that suspensions will be in order at any time on the legislative day of Thursday, October 6, 2005.”

Summary: S. 1786 authorizes the Secretary of Transportation to provide grants-in-aid for emergency repairs, to airports damaged by Hurricanes Katrina and Rita. The money made available for this

purpose in S. 1786, is provided through FY05 and FY06 unobligated funds appropriated to the Airport Improvement Program through the Aviation Trust Fund. The grants may be made available for:

- “emergency capital costs incurred by a public use airport in Louisiana, Mississippi, Alabama, or Texas that is listed in the Federal Aviation Administration’s National Plan of Integrated Airport Systems of repairing or replacing public use facilities that have been damaged as a result of Hurricane Katrina or Hurricane Rita; and
- “emergency operating costs incurred by an airport described as a result of Hurricane Katrina or Hurricane Rita.”

S. 1786 directs the Secretary to give priority designation to:

- airport development projects;
- terminal development projects;
- “repair or replacement of other public use airport facilities; and
- “emergency operating costs incurred at public use airports in Louisiana, Mississippi, Alabama, and Texas.”

The bill increases (from 95% to 100%) the U.S. Government’s share of allowable project costs, effectively relieving states in the affected areas of any fiscal responsibility in paying for the repair of airport damages caused by Hurricanes Katrina and Rita. Under S. 1786, no project funded by these grants may be considered, for the purpose of any other provision of law, “to be a major Federal action significantly affecting the quality of the human environment.”

Committee Action: The Senate passed S. 1786 on September 29, 2005, by unanimous consent, and the bill was received by the House of Representatives and referred to the House Committee on Transportation and Infrastructure, which took no official action.

Cost to Taxpayers: No CBO cost estimate is available for S. 1786. According to information obtained by the RSC, the *preliminary* estimated costs for repairs at the airports in the affected areas is \$160 million. Funds in the Aviation Trust Fund are deposited from fees collected from airports by the FAA. It was reported that the Airport Improvement Program currently carried over approximately \$300 million in unobligated funds. It is from these unobligated funds the Secretary may provide funds to the Katrina and Rita affected airports. Because the bill sets no limitation on how much money may be utilized to fund these repairs, it is possible the Secretary could provide the entire amount of unobligated funds to Katrina and Rita affected airports.

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.Res. 15 — Supporting the goals and ideals of National Campus Safety Awareness Month — *as introduced* (Duncan)

Order of Business: The resolution is scheduled for consideration on Thursday, October 6, 2005, under a motion to suspend the rules and pass the bill. Under House rules, suspensions may not be considered on Thursday or Friday, but the Rule providing for consideration of the continuing resolution (H.Res. 469) waived the House rule with a provision that “Provides that suspensions will be in order at any time on the legislative day of Thursday, October 6, 2005.”

Summary: H.Res. 15 resolves, “that the House of Representatives supports the goals and ideals of National Campus Safety Awareness Month.” The resolution lists several findings, including:

- “college and university campuses are subject to criminal threats both from within and outside their borders;
- “under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act a total of 86 homicides, 7,648 sex offenses, 9,649 aggravated assaults, and 3,590 arsons were reported on-campus from 2000 to 2002;
- “between one fifth and one quarter of female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers [**see additional information**];
- “each year more than 70,000 students between the ages of 18 and 24 are victims of alcohol-related sexual assault;
- “each year more than 600,000 students between the ages of 18 and 24 are assaulted by another student who has been drinking;
- “1,400 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries, including motor vehicle crashes;
- “each year there is approximately \$2.8 million worth of property damage from fires on-campus;
- “Security On Campus, Inc., a national group dedicated to promoting safety and security on college and university campuses, has designated September 2005 as National Campus Safety Awareness Month; and
- “the designation of National Campus Safety Awareness Month provides an opportunity for colleges and universities to inform students about existing campus crime trends, campus security policies, crime prevention techniques, fire safety, and alcohol and other drug education, prevention, and treatment programs.”

Additional Information: The resolution does not give a source for the statistics included in the findings, though the college rape statistic used in H.Res. 15, appears to repeat a debunked statistic based on a study by researcher Mary Koss, who acknowledges that 73 percent of the girls she counted as rape victims were not aware that they had been raped and that forty-three percent of them were dating their “attacker” again. See: http://www.aei.org/publications/pubID.7996/pub_detail.asp and http://www.iwf.org/articles/article_print.asp?ArticleID=121

Committee Action: On January 4, 2005, the resolution was introduced and referred to the House Committee on Government Reform, which considered it, held a mark-up and reported it to the House by unanimous consent on September 29, 2005.

Cost to Taxpayers: The resolution authorizes no expenditures.

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.Res. 276 — Supporting the goals and ideals of Pancreatic Cancer Awareness Month (Platts)

Order of Business: The resolution is scheduled for consideration on Thursday, October 6, 2005, under a motion to suspend the rules and pass the bill.

There were two almost identical resolutions, H. Res. 262 and H. Res. 641, that passed the House during the 108th Congress by voice votes on October 8, 2003 and November 16, 2004, respectively.

Summary: H. Res. 276 resolves that the House of Representatives supports the goals and ideals of Pancreatic Cancer Awareness Month and further states that:

- “Over 31,860 people will be diagnosed with pancreatic cancer this year in the United States;
- “The mortality rate for pancreatic cancer is 99 percent, the highest of any cancer;
- “Pancreatic cancer is the 4th most common cause of cancer death in the United States;
- “The Pancreatic Cancer Action Network (PanCAN), the first national patient advocacy organization serving the pancreatic cancer community, focuses its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and
- “The Pancreatic Cancer Action Network has requested that the Congress designate November as Pancreatic Cancer Awareness Month in order to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and prevention programs.”

Committee Action: H. Res. 276 was introduced on May 12, 2005, and referred to the Committee on Government Reform. The bill was considered and a mark-up session was held on September 29, 2005, and it was reported to the House by unanimous consent.

Cost to Taxpayers: The resolution authorizes 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. 59 — Recognizing the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation (*Kilpatrick*)

Order of Business: The concurrent resolution is scheduled for consideration on Thursday, October 6, 2005, under a motion to suspend the rules and pass the bill.

Summary: H. Con. Res. 59 would recognize “the contributions of African-American basketball teams and players for their achievements, dedication, and contributions to the sport of basketball and to the Nation.” The resolution resolves that:

- 1) “Congress recognizes the teams and players of the barnstorming African-American basketball teams for their achievement, dedication, sacrifices, and contribution to basketball and to the Nation prior to the integration of the white professional leagues; and
- 2) “Current National Basketball Association players should pay a debt of gratitude to those great pioneers of the game of basketball and recognize them at every possible opportunity.”

Among other things, the resolution also states:

- “Even though African-Americans were excluded from playing in organized white-only leagues, the desire of African-Americans to play basketball could not be repressed;
- “Unlike baseball, which had Negro leagues, basketball had no organized black leagues, thus forcing blacks to take to the road out of necessity;
- “Despite the racism they faced, Negro basketball teams overcame great obstacles to play the game before black players were allowed to play in the National Basketball Association in the early 1950s;
- “The barnstorming African-American basketball teams included exceptionally talented players and shaped modern-day basketball by introducing **a new style of play predicated on speed, short crisp passing techniques, and vigorous defensive play;**
- “The struggles of these players and others paved the way for current African American professional players, who are playing in the National Basketball Association today;
- “**The style of black basketball was more conducive to a wide open, fast-paced spectator sport;** and
- “By achieving success on the basketball court, African-American basketball players helped break down the color barrier and integrate African-Americans into all aspects of society in the United States.” (**emphasis added**)

Committee Action: H. Con. Res. 59 was introduced on February 14, 2005, and referred to the Committee on Government Reform. The bill was considered and a mark-up session was held on September 15, 2005, and it was reported to the House by unanimous consent.

Cost to Taxpayers: The concurrent resolution authorizes 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.R. 3439 — Ava Gardner Post Office Designation Act (*Etheridge*)

Order of Business: The bill is scheduled for consideration on Thursday, October 6, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3439 would designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the “Ava Gardner Post Office.”

Additional Information: Ava Gardner was born on December 24, 1922 in Smithfield North Carolina. Her movie career spanned 44 years and included starring in over 60 movies and television shows. She died on January 26, 1990, in London, England, and buried in her home state of North Carolina.

Committee Action: H.R. 3439 was introduced on July 26, 2005, and referred to the Committee on Government Reform. The bill was considered and a mark-up session was held on September 15, 2005, and it was reported to the House by unanimous consent.

Cost to Taxpayers: The only costs associated with a postal facility renaming are those for sign and map changes, none of which significantly affect the federal budget.

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: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post Roads.

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