



# The Daily Whip

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**THURSDAY, MAY 13, 2004**

House Meets At...	Last Vote Predicted At...
<b>10:00 a.m.: Legislative Business</b>  <b>Ten "One Minutes" Per Side</b>	<b>5:00 - 6:00 p.m.</b>

## FLOOR SCHEDULE AND BILL SUMMARY

**H.Con.Res. 414 - Expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown (Rep. Conyers / Judiciary Committee) (Unanimous Consent Agreement - 30 Minutes of Debate).** This Concurrent Resolution states that Congress: (1) recognizes and celebrates the 50th anniversary of the Brown v. Board of Education decision; (2) encourages all Americans to recognize and celebrate the 50th anniversary of the Brown v. Board of Education decision; and (3) renews its commitment to continuing and building on the legacy of Brown with a pledge to acknowledge and address the modern day disparities that remain.

**H.R. 4275 - To amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket (Rep. Sessions - Ways & Means) (Modified Closed Rule - One Hour of General Debate).** This bill makes permanent provisions created by the 2001 tax bill (and accelerated by the 2003 tax bill) that set the amount of income subject to the 10% tax rate bracket at \$7,000 for single individuals and \$14,000 for couples. Without action this year, the income subject to the 10% tax rate will revert to \$6,000 for individuals and \$12,000 for married couples from 2005-2007, increase to \$7,000 and \$14,000 from 2008-2010, and expire after 2010 (as provided for in the 2001 tax bill). H.R. 4275 is estimated to cost \$218 billion over 10 years and does not include any provisions to offset its cost. As with the tax bills considered in the past two weeks, H.R. 4275 was not considered in the Ways and Means Committee before going to the floor.

The Rule adopted yesterday makes in order one amendment in the nature of a substitute to be offered by Rep. Rangel or his designee and provides one motion to recommit with or without instructions.

- **Rangel Substitute Amendment (1 hour).** The Democratic substitute provides for making the 10 percent bracket permanent and also protects against these tax cuts being taken back by the Alternative Minimum Tax (AMT) (as with the Marriage Penalty bill two weeks ago). The substitute offsets the cost during the first six years by a rate adjustment of 1.9 percentage points of the tax cuts for households making over \$1 million (\$500,000 for individuals). After 2010, the substitute would allow for making the 10 percent bracket permanent contingent upon reaching budget balance (not counting Social Security and Medicare trust funds) by 2014.

**Possible George Miller Motion to Instruct Conferees on H.R. 2660 - Labor-HHS Appropriations Act for FY04.** Although the FY04 omnibus appropriations bill included the FY04 Labor-HHS Appropriations bill, technically, that bill is still in conference and further motions to instruct are in order. Therefore, Democrats will instruct conferees to keep the Senate language to prohibit the use of funds to issue or enforce a regulation that would take overtime pay away



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from any employee who, under current regulations, is entitled to overtime pay. This language seeks to block the part of the regulations proposed by the Department of Labor that would make it easier for employers to reclassify workers as "white collar" employees who would be ineligible for overtime compensation.

**H.R. 4281 - To amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees (Rep. Johnson {TX} - Education & the Workforce) (Modified Closed Rule – One Hour of General Debate).** This bill permits the establishment of "association health plans," which would allow small businesses to purchase health insurance coverage for their employees through associations of several employers. Each association health plan would decide the services included in its plan and would be exempt from most state insurance regulations. Insurance plans under these new associations would be subject to regulation by the Department of Labor. This bill is identical to H.R. 660, which was adopted by the House last year on June 19th 262-162 (with 160 Democrats voting No).

The Rule adopted yesterday makes in order one amendment in the nature of a substitute to be offered by Rep. Kind or his designee and provides one motion to recommit with or without instructions.

- **Kind/Andrews Substitute Amendment (1 hour).** This substitute requires the Department of Labor to establish a Small Employer Health Benefits Plan (SEHB) available for all firms with fewer than 100 employees, including the self employed. The SEHB would: operate through state licensed health insurers that comply with state mandates regarding health insurance; offer incentives and subsidies to firms with fewer than 50 employees; give premiums to low income employees; and not allow cherry picking. The SEHB would be fully paid for using the \$50 billion authorized in the FY04 Budget to the Department of Labor for small employer health care coverage subsidies.

#### **Postponed Suspension Votes (1 bill):**

- 1) H.J.Res. 91** - Recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944 (*Rep. Michaud - Veterans' Affairs*)

**Postponed Vote on the Pomeroy Motion to Instruct Conferees on S.Con.Res 95 – Budget Resolution for FY05.** This motion instructs conferees to recede to the Senate bipartisan provisions that would extend "pay-as-you-go" budget enforcement to both mandatory spending and tax cuts. **Democrats are urged to VOTE YES.**

## **TOMORROW'S OUTLOOK**

The GOP Leadership has announced the following schedule: On Friday, no votes are expected in the House.

### **Daily Quote...**

"We Republicans have never quite reached the level of competent oversight that the Democrats developed over their 40 years that they controlled Congress. We tried to emphasize legislating, and we've delegated so much authority to the executive branch of government, and we ought to devote more time to oversight than we do."

- Sen. Charles Grassley (R-IA), in *The Hill* today