



The Daily Whip

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THURSDAY, OCTOBER 7, 2004

House Meets At...	Last Vote Predicted At...
10:00 a.m.: Legislative Business Ten "One Minutes" Per Side	9:00 – 10:00 p.m.

DEMOCRATS ARE URGED TO SIGN THE FOLLOWING IMPORTANT DISCHARGE PETITIONS:

- ** **MILLER (NC) DISCHARGE PETITION (#16) TO REAUTHORIZE THE SMALL BUSINESS ADMINISTRATION**
- ** **BISHOP (NY) DISCHARGE PETITION (#15) TO INCREASE EDUCATION FUNDING.**
- ** **EDWARDS DISCHARGE PETITION (#14) TO INCREASE VETERANS HEALTH FUNDING.**
- ** **EDWARDS DISCHARGE PETITION (#13) ON THE PATIENTS BILL OF RIGHTS.**
- ** **LEE-SANDERS-CAPUANO DISCHARGE PETITION (#11) TO PROVIDE AFFORDABLE HOUSING.**

FLOOR SCHEDULE AND BILL SUMMARY

Motion to go to Conference on H.R. 4567 - Homeland Security Appropriations for FY05.
Democratic Motion to Instruct.

Martial Law Rule for the same day consideration of a rule for H.R. 4520 - Foreign Sales Corporation (FSC) Tax Conference Report (*Rules*)

H.Res___-Rule providing for consideration of H.R. 10 – 9/11 Recommendations

Implementation Act (*Rules*). The Rules Committee has recommended a Rule that provides three hours and forty minutes of general debate and makes in order twenty-three amendments, including one amendment in the nature of a substitute to be offered by Rep. Menendez. The Rule provides that upon passage of H.R. 10 and receipt of S.2845 (the bipartisan 9/11 Recommendations bill adopted by the Senate yesterday) the House replace the language in S.2845 with the provisions included in H.R.10.

The Amendments made in order by the Rule include:

- **Menendez Amendment in the nature of a substitute (60 minutes)** - Merges two bills endorsed by the 9/11 Commission: Collins/Lieberman (S. 2845) as reported from the Senate Government Affairs Committee, and McCain/Lieberman (S. 2774) as introduced on September 7th. Establishes a National Intelligence Director and makes improvements in intelligence activities, modifies laws relating to intelligence community management, establishes diplomatic means and provides foreign aid to combat terrorism, provides an integrated screening system and improves counterterrorist travel intelligence, enhances transportation security, provides resources to improve national preparedness and assist local first responders, and establishes a Privacy and Civil Liberties Oversight Board.
- **Simmons Amendment (10 minutes)** regarding a sense of Congress that the new National Intelligence Director (NID) should establish an Open Source Intelligence (OSINT) Center.
- **Souder Amendment (10 minutes)** regarding direction to the Secretary of Homeland Security to ensure that all appropriate personnel engaged in security screening of individuals have access to law enforcement and intelligence information maintained by DHS.
- **Kirk Amendment (10 minutes)** regarding a requirement that the President submit a report to the congressional intelligence committees detailing how the Drug Enforcement Administration can be integrated into the intelligence community.
- **Sessions Amendment (10 minutes)** regarding a zero tolerance policy towards the unlawful importation, possession, or transfer of shoulder fired guided missiles (MANPADS), atomic weapons, dirty bombs, and variola (smallpox) virus by making their unauthorized possession a federal crime carrying stiff mandatory penalties.
- **Bonilla Amendment (10 minutes)** regarding direction to the Secretary of Homeland Security to increase Detention and Removal Operations (DRO) bed space for FY06 and FY07 by 2,500 beds each year.
- **Capito Amendment (10 minutes)** regarding revisions to two Federal criminal law statutes to deter, and more effectively punish, terrorist acts against railroad carriers and mass transportation providers.
- **Carter Amendment (10 minutes)** regarding an amendment to the Federal criminal code to apply the death penalty or life imprisonment for a terrorist offense that results in the death of a person.
- **Castle Amendment (10 minutes)** regarding the elimination of civil liability barriers to donations of surplus firefighting equipment by raising the liability standard for donors.
- **Foley Amendment (10 minutes)** regarding an amendment to the Immigration and Nationality Act to provide for the inadmissibility and removability of aliens who have committed,



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ordered, assisted, incited, or otherwise participated in acts of torture or extrajudicial killings abroad.

- **Goodlatte Amendment (10 minutes)** regarding a rebuttable presumption that no amount of bail or other conditions would assure the appearance in court of a defendant when he is charged with a terrorist offense and there is probable cause that the defendant committed certain terrorist attacks.
- **Green (WI)/Hostettler Amendment (10 minutes)** regarding strengthening immigration law in regard to the inadmissibility and deportability of alien terrorists and their supporters.
- **Hostettler Amendment (10 minutes)** regarding authority to the Secretary of Homeland Security to detain an alien pending removal who has been present in the U.S. for less than five years.
- **Smith (NJ) Amendment (10 minutes)** regarding expedited removal of aliens that have been in the US for less than 5 years.
- **Smith (NJ) Amendment (10 minutes)** regarding asylum rights and refugee protections.
- **Barton Amendment (10 minutes)** regarding a Sense of Congress on making additional broadcast spectrum available promptly for critical public safety needs.
- **Ose Amendment (10 minutes)** regarding the expediting of construction of two gaps in the 14 mile long barrier at the San Diego border.
- **Fossella Amendment (10 minutes)** regarding authorization to the Secretary of Homeland Security to issue three year letters of intent to commit future funding for purposes of enhancing public safety interoperable communications pursuant to a five year interoperable communications plan.
- **Weldon (PA) Amendment (10 minutes)** regarding requiring the Secretary of Homeland Security to establish a program that identifies and catalogs existing mutual agreements, disseminates examples of best practices in the development of such agreements, and inventories Federal response capabilities that State and local officials may utilize during a terrorist attack or other emergency.
- **Mica Amendment (10 minutes)** regarding requiring Immigration and Custom Enforcement (ICE) and Customs and Border Protection (CBP) to check international passenger names against the watchlist prior to the flight taking off.
- **Bartlett Amendment (10 minutes)** regarding directing the Director of Homeland Security to establish an independent panel to assess the homeland security needs of the National Capital Region.
- **Shadegg Amendment (10 minutes)** regarding requiring the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, the National Association of State Chief Information Officers, and other stakeholders with respect to public warning systems, to conduct a pilot study under which the Secretary shall issue public warnings regarding threats to homeland security using the Amber Alert Web Portal Consortium, and report back within nine months on findings and recommendations.
- **Porter Amendment (10 minutes)** regarding promoting the Special Assistant to the Secretary for the Private Sector to an Undersecretary of Homeland Security for the Private Sector and Tourism.

H.R. 10 – 9/11 Recommendations Implementation Act (*Hastert – Intelligence*) (*Subject to a Rule*). This bill is the House Republicans response to the report presented by the 9-11 Commission to Congress to prevent future terrorist attacks. The Commission’s report outlined forty-one specific recommendations. This bill fully implements only eleven recommendations outlined by the 9-11 Commission; partially implements fifteen recommendations; and ignores fifteen recommendations. In addition, H.R. 10 includes numerous extraneous provisions, some of which are controversial.

- **H.R. 10 fully implements less than 1/3 of the 9-11 Commission Recommendations.** H.R. 10 includes provisions to: identify and prioritize terrorist sanctuaries; prioritize efforts in Pakistan; prioritize efforts in Saudi Arabia; promote America’s message of opportunity to the Islamic world; create a robust biometric entry-exit screening system; set global standards for security systems; develop a transportation security strategy; strengthen pre-screening of aviation passengers; adopt incident command system procedures; accelerate national security appointments; and to improve FBI counterterrorism capabilities.
- **H.R. 10 ignores some of the most important 9-11 Commission recommendations.** This bill: fails to give the National Intelligence Director sufficient authority over the budget and personnel of the intelligence agencies; fails to strengthen U.S. efforts to prevent the proliferation of nuclear weapons; fails to secure U.S. borders by integrating disparate screening systems; fails to mandate and fund the use of explosive detection devices for airline safety; fails to provide radio spectrum for first responders to communicate during emergencies; fails to provide additional security assistance to Afghanistan or economic development assistance to Arab and Muslim countries.
- **H.R. 10 includes extraneous controversial provisions.** The Republican bill: gives the President “fast track” authority to reorganize the intelligence agencies, undermining the



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reforms recommended by the 9-11 Commission; gives the President authority to bypass Senate confirmation of the Director of the CIA and other key intelligence and defense officials, weakening congressional oversight; gives federal law enforcement officials new authority to deport foreign nationals, revoke visas, and deny asylum without judicial review; creates new national databases of drivers licenses, birth certificates, and criminal histories, raising civil liberties and privacy concerns; and expands the authority of the Justice Department by relaxing grand jury secrecy requirements and increasing its ability to conduct secret surveillance.

Possible FSC/ETI Conference Report Bill (Rep. Thomas / Ways and Means) (Subject to a Rule). This conference report replaces the FSC/ETI international tax regime and includes nearly \$140 billion in corporate and narrowly-crafted tax breaks. This conference report is an incredibly disparate, complicated and special-interest laden piece of tax legislation which was developed to resolve a \$4 billion trade dispute with the European Union. GOP leaders are using gimmicks, phase-outs and a set of controversial revenue raisers that punish working families, small businesses and charitable organizations to produce a revenue-neutral bill.

The conference report: contains \$42 billion worth of benefits for offshore operations of U.S. multinationals that continue to create incentives to ship jobs overseas, more than either the Senate or House bill contained, and protects recent corporate expatriates; omits provisions contained in the Senate-passed version that rewards companies for keeping operations in the United States; includes a smaller tobacco buyout provision than was included during House and Senate consideration, and excludes the FDA regulation of tobacco that was included in the Senate bill; allows a temporary two-year exemption of state sales tax; allows private collection of Federal taxes ignoring a recent House vote opposing this practice; and decimates the operations of charitable organizations that depend on property donations for their revenue by creating more paperwork and bureaucracy for taxpayers and charities.

Postponed Suspension Votes (5 bills):

- 1) **H.R. 4661** - Internet Spyware (I-SPY) Prevention Act of 2004 (*Goodlatte / Judiciary*)
- 2) **H.R. 5212** - Research Review Act of 2004 (*Bilirakis / Energy and Commerce*)
- 3) **H.R. 5186** - To reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans (*Boehner / Education and the Workforce*)
- 4) **S. 1134** - Economic Development Administration Reauthorization Act of 2003 (*Sen. Bond / Transportation and Infrastructure*)
- 5) **H.R. 5061** - Comprehensive Peace in Sudan Act (*Tancredo / International Relations*)

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule: On Friday, the House will meet at 9:00 a.m. for legislative business. The House will complete consideration of **H.R. 10 – 9/11 Recommendations Implementation Act (Hastert – Intelligence)** if not completed today and will also consider: **FSC/ETI Conference Report Bill (Rep. Thomas / Ways and Means) (Subject to a Rule)** if it is not considered today; **Conference Report on H.R. 4200 – Department of Defense Authorization Bill of FY05; Conference Report on the Homeland Security Appropriations FY05/Supplemental.**

Daily Quote...

"We need new leadership which will act because it is right, not because they have been caught in coverups and scandals... Once again, what we are pointing out here is that we are outraged at the mismanagement of this House, and it is not just this last year. It has been going on for years. It is the arrogance of power, the lack of follow-through, the 'oh, yes, we can push that over in the corner and not address it.'"

- Rep. Tom DeLay [Congressional Record, 04/07/92]

"We need to clean our own house for the sake of the institution."

- Rep. Tom DeLay [Congressional Record, 03/02/94]