



The Daily Whip

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WEDNESDAY, NOVEMBER 9, 2005

House Meets At...	Last Vote Predicted At...
10:00 a.m.: Legislative Business Unlimited "One Minutes"	8:00 p.m.

**** THE REPUBLICAN LEADERSHIP HAS ANNOUNCED THAT THE REPUBLICAN RECONCILIATION BILL WILL BE CONSIDERED TOMORROW. MEMBER ATTENDANCE IS CRITICAL. PLEASE CALL THE WHIP'S OFFICE IF A MEMBER ANTICIPATES NOT BEING IN ATTENDANCE.**

FLOOR SCHEDULE AND BILL SUMMARY

H.Res. 539 - Rule providing for consideration of Conference Report on H.R. 2419 - Energy and Water Development Appropriations Act for FY06 (Rep. Hastings (WA) – Rules). The Rules Committee has recommended a closed rule that provides for one hour of general debate and waives all points of order against the conference report and against its consideration.

H.Res. 538 - Rule providing for consideration of Conference Report on H.R. 2862 - Science, State, Justice, Commerce, and Related Agencies Appropriations Act for FY06 (Rep. Gingrey – Rules). The Rules Committee has recommended a closed rule that provides for one hour of general debate and waives all points of order against the conference report and against its consideration.

H.Res. 540 - Rule providing for consideration of H.R. 1751 - Secure Access to Justice and Court Protection Act of 2005 (Rep. Gingrey – Rules). The Rules Committee has recommended a restrictive rule that provides one hour of general debate, makes in order nine amendments debatable for 10 minutes each, and provides one motion to recommit with or without instructions.

Conference Report on H.R. 2419 - Energy & Water Development Appropriations Act for FY06 (Rep. Hobson - Appropriations) (Subject to a Rule). The conference report provides \$30.5 billion for FY06 for the U.S. Army Corps of Engineers, the Department of Interior, the Department of Energy, and several Independent Agencies. Funding in the conference report includes: \$24.29 billion for the Department of Energy (\$6.43 billion for Nuclear Weapons Activities; \$6.19 billion for Defense Environmental Management; \$9.19 billion for the National Security Administration; and \$1.8 billion for energy supply and conservation); \$5.38 billion for the Army Corps of Engineers; \$1.03 billion for the Department of Interior's Bureau of Reclamation; and \$271 million for several Independent Agencies. This bill includes \$450 million for the Yucca Mountain Nuclear Waste Repository and also includes provisions to improve the Army Corps of Engineers' project execution and financial management.

Conference Report on H.R. 2862 – Science and Departments of State, Justice, Commerce, and Related Agencies Appropriations Act for FY06 (Rep. Wolf – Appropriations) (Subject to a Rule). The conference report provides \$57.85 billion including: \$21.44 billion for the Department of Justice (\$5.76 billion for the FBI; \$1.68 billion for the DEA; \$4.98 billion for the Federal Prison System; \$1.14 billion for state and local law enforcement; and \$1.6 billion for US District Attorneys); \$6.62 billion for the Department of Commerce (\$3.94 billion for the National Oceanic and Atmospheric Administration; \$812 million for the Census Bureau); \$9.55 billion for the Department of State (\$4.37 billion for Diplomatic and Consular Programs; \$1.16 billion for Contributions to International Organizations; \$1.03 billion for Contributions to International Peacekeeping); \$16.46 billion for the National Aeronautics and Space Administration; \$5.65 billion for the National Science Foundation; \$863 million for the Securities and Exchange Commission; \$289 million for the Federal Communications Commission; \$456 million for the Small Business Administration; \$331 million for the Equal Employment Opportunity Commission; \$211 million for the Federal Trade Commission; and \$330 million for the Legal Services Corporation. The conference report does not include the provisions included in the House bill to prohibit the FBI from using Section 215 of the Patriot Act to access library circulation records, library patron lists, book sales records, or book customer lists.

Suspensions (1 bill):

1) H.R. 3665 - Veterans Housing and Employment Improvement Act of 2005 (Rep. Boozman - Veterans Affairs).

Motion to go to Conference on H.R. 3199 - USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005. Democratic Motion to Instruct Conferees.



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H.R. 1751 – Secure Access to Justice and Court Protection Act of 2005 (Reps. Gohmert/Weiner - Judiciary) (Subject to a Rule). This bill increases the penalties for assaulting, kidnapping, or murdering – or conspiring or threatening to do – a U.S. official or employee, a federal judge or law enforcement officer, or an immediate family member of such an individual. This bill creates 16 new mandatory minimum criminal sentences and establishes a new death-penalty eligible offense. HR1751 subjects anyone who kills a current or former “federally funded public safety officer” performing official duties to the death penalty; increases minimum terms of imprisonment for second degree murder and manslaughter; increases penalties for: (1) influencing or injuring an officer or juror; and (2) tampering with or retaliating against a witness, victim, or informant. HR1751 prohibits: (1) filing in a “publicly available record” any false lien or encumbrance against the real or personal property of a federal judge, federal attorney, or public safety officer; or (2) making restricted personal information about specified covered officials publicly available through the Internet. The bill authorizes grants to states and local governments to create and expand witness protection programs. This bill was reported by the Judiciary Committee on October 27 by a vote of 26-5.

The 9 amendments made in order by the restrictive rule are:

- **Sensenbrenner Manager’s Amendment.** To clarify that the death penalty shall apply only where death results, and covers only those offenders who qualify as principals in the killing. In addition, the amendment makes eligible tribal courts for court security grants.
- **Scott (VA) Amendment.** Among other provisions, it replaces 14 mandatory minimum sentences with higher maximum sentences.
- **Scott (VA) Amendment.** To remove the death penalty for the killing of Federally funded public safety officers and allow a sentence of up to life in prison.
- **Cuellar Amendment.** To add a category of preferential consideration for witness protection grants for states with international borders that have a high incidence of crime.
- **Jackson-Lee Amendment.** To authorize state Supreme Courts to set up the “threat assessment databases” established in the bill.
- **Filner Amendment.** To add language to the witness protection grants provided in the bill to allow their use by youths who are trying to leave a criminal gang or to prevent initial gang recruitment.
- **Weiner Amendment.** To clarify that the bill permits state and local courts to apply for bulletproof vests, Byrne law enforcement grants, and other federal assistance.
- **King (IA) Amendment.** To allow any justice or judge of the United States, any judge of a court created under article I of the United States Constitution, any bankruptcy judge, any magistrate judge, any United States Attorney, and any other officer or employee of the Department of Justice whose duties include representing the U.S. in a court of law, to carry firearms subject to training and regulation as prescribed by the Attorney General.
- **Flake Amendment.** To restrict federal collateral appeals in death penalty cases.

Postponed Suspension Votes (2 bills):

- 1) **H.R. 1953** - San Francisco Old Mint Commemorative Coin Act (*Rep. Pelosi - Financial Services*)
- 2) **S. 1894** - Fair Access Foster Care Act of 2005 (*Sen. Inhofe - Ways and Means*)

TOMORROW’S OUTLOOK

The GOP Leadership has announced the following schedule: on Thursday, the House will meet at 10:00 a.m. for legislative business and is expected to consider **HR4241** – GOP Reconciliation Bill.

Daily Quote...

“Republicans on Capitol Hill are so scared already. This is just going to make them more fearful that 2006 could be a disaster.”

- Political analyst Charlie Cook, on the *Today Show* this morning

“I think the basic lesson is that Bush is at a point where he is going to pull down all Republicans a few points in 2006. He has got to restore a good 10 points on his popularity if Republicans are even going to hold their own in '06.”

- Political analyst Larry Sabato in the *Los Angeles Times* this morning