



The Daily Whip

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WEDNESDAY, DECEMBER 14, 2005

House Meets At...	Last Vote Predicted At...
10:00 a.m.: Legislative Business Unlimited "One Minutes"	7:00 p.m.

*** THE REPUBLICAN LEADERSHIP HAS ANNOUNCED THAT THE HOUSE WILL STAY IN SESSION AS LONG AS NECESSARY TO COMPLETE THE REMAINING LEGISLATIVE BUSINESS, INCLUDING INTO THE WEEKEND AND THE FOLLOWING WEEK.**

FLOOR SCHEDULE AND BILL SUMMARY

**** Members are urged to sign the Herseith Discharge Petition** to force consideration of HR3936 to protect consumers from price-gouging of gasoline and other fuels during energy emergencies.

**** Members are urged to sign the Waxman Discharge Petition** to force consideration of HR3925 to provide that a Federal public safety position may not be held by any political appointee who does not meet certain minimum requirements.

H.Res. 596 – Rule providing for consideration of Conference Report on H.R. 3010 – Departments of Labor, HHS, and Education Appropriations Act for FY06 (*Rules*). The rule waives all points of order against the conference report and against its consideration.

H.Res. 595 – Rule providing for consideration of Conference Report on H.R. 3199 – USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 (*Rules*). The rule waives all points of order against the conference report and against its consideration.

Conference Report on H.R. 3199 – USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 (*Rep. Sensenbrenner – Judiciary*) (*Subject to a Rule*). This conference report makes permanent 14 of the 16 provisions of the USA PATRIOT Act (PL 107-56) that will expire at the end of this year and extends for 4 years the remaining 2 provisions.

The 2 sections of the PATRIOT Act extended for 4 years are: Section 215 - Access to Business and Other Records - To expand the authority under the Foreign Intelligence Surveillance Act (FISA) to access records or "any tangible item," including bookstore and library records. Section 206 - "Roving" Wiretaps - To permit "roving" wiretap orders under FISA that do not specify a single telephone or residence to be surveilled, and allow surveillance to be conducted through a variety of measures in cases where a suspect changes communications methods or locations --- law enforcement officials are required to report back to a judge when a tap is placed on a new location.

The 14 sections of the PATRIOT Act made permanent are: Section 201 - Wiretap Authority for Terrorist Cases; Section 202 - Wiretap Authority in Computer Fraud Cases; Section 203(b) - Authority to Share Wiretap Information; Section 203(d) - Authority to Share Foreign Intelligence Information; Section 204 – FISA pen register/trap & trace Exceptions; Section 207 - Duration of FISA Surveillance of Agents of a Foreign Power; Section 209 - Use of Search Warrant to Seize Voice Mail; Section 212 - Disclosure of Internet Records in Emergencies; Section 214 - Access to E-mail and Internet Records; Section 217 - Interception of Computer Trespasser Communications; Section 218 - Foreign Intelligence Investigations; Section 220 - Nationwide Service of Search Warrants for Electronic Evidence; Section 223 - Civil Liability for Certain Unauthorized Disclosures; Section 225 - Immunity for Compliance with FISA Wiretap.

The conference report also includes language to: extend for 4 years a provision permitting wiretapping and surveillance of "lone-wolf" terrorist suspects; restrict sales of over-the-counter cold medications containing ingredients that can be used to make methamphetamines; permit the death penalty for any individual convicted of air piracy offenses that resulted in death between 1974 and 1994; provide liability protection to individuals who donate fire control or rescue equipment to volunteer fire departments; extend current law regarding trafficking of contraband tobacco products to cover smokeless tobacco; and outlaw laser interference with aircraft.

Conference Report on H.R. 3010 – Departments of Labor, Health and Human Services, and Education Appropriations Act for FY06 (*Regula – Appropriations*) (*Subject to a Rule*). The conference report provides \$143 billion for FY06 --- \$1.5 billion less than the comparable FY05 level. In comparison with FY05, this bill cuts the Labor Department by \$430 million, cuts the Health and Human Services Department by \$976 million, and cuts the Education Department by \$59.1 million. The conference report was slightly modified following its defeat on November 17th (209-224 - with all Democrats opposed) by adding \$180 million (adding \$90 million for rural health and health professions training programs, and deleting a \$90 million provision to block payments by CMS for erectile dysfunction drugs), and reducing \$120 million from pandemic preparedness and \$60 million from CMS's administrative costs. Additional funding highlights of the conference report include:

- **Department of Labor - \$11.6 billion (\$430 million below FY05 / a 3.6% cut):** \$866 million for adult training grants (3.4% cut); \$950 million for youth training grants (3.7% cut); \$1.4 billion for Dislocated Workers (a freeze); \$1.6 billion for Job Corps (1.4% increase); \$1.3 billion for Worker Protection Programs (2.5% increase).
- **Department of Health and Human Services – \$63.4 billion (\$976 million below FY05 / a 1.5% cut):** \$28.6 billion for NIH (0.5% increase) this funding includes a \$100 million transfer to the Global Fund to fight HIV/AIDS and other diseases; \$6.1 billion for the Centers for Disease Control and Prevention (4.6% cut); \$2.1 billion for Ryan White AIDS programs (0.5% increase); \$2.08 billion for Child Care and Development Block Grants (a freeze).



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- **Department of Education - \$56.5 billion (\$59.1 million below FY05 / a 0.1% cut):** \$23.71 billion for No Child Left Behind (3.2% cut / \$13.1 billion below its FY06 authorization level and a \$40.1 billion cumulative shortfall since the enactment of NCLB); \$10.7 billion for IDEA Part B Grants (1% increase); \$836 million for TRIO (a freeze); \$306 million for GEAR UP (a freeze); \$66.1 million for Perkins Loans (a freeze); \$13.2 billion for the Pell Grant program (and freezes the maximum Pell Grant at \$4,050).

Suspensions (20 bills):

- 1) **H.R. 4436** - To provide certain authorities for the Department of State, and for other purposes (*Rep. Smith (NJ) - International Relations*)
- 2) **H.R. 972** - Trafficking Victims Protection Reauthorization Act of 2005 (*Rep. Smith (NJ) - IR*)
- 3) **H.R. 4508** - To commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes (*Rep. Young (AK) - Transportation and Infrastructure*)
- 4) **H.R. 2892** - Reverse Mortgages to Help America's Seniors Act (*Rep. Fitzpatrick - Fin. Serv.*)
- 5) **H.R. 3508** - 2005 District of Columbia Omnibus Authorization Act (*Rep. Tom Davis - Government Reform*)
- 6) **H.Res. 579** - Expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected (*Rep. Jo Ann Davis - Government Reform*)
- 7) **H.Res. 587** - Congratulating Tony Stewart on winning the 2005 NASCAR Nextel Cup Championship (*Rep. Sodrel - Government Reform*)
- 8) **H.R. 4473** - To reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes (*Rep. Goodlatte - Agriculture*)
- 9) **H.J.Res. 38** - Recognizing Commodore John Barry as the first flag officer of the United States Navy (*Rep. King (NY) - Armed Services*)
- 10) **H.Con.Res. 294** - Calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People's Republic of China, as a tool for suppression maintained by the Chinese Government (*Rep. Wolf - International Relations*)
- 11) **H.Res. 529** - Recommending the integration of the Republic of Croatia into the North Atlantic Treaty Organization (*Rep. Gallegly - International Relations*)
- 12) **H.Con.Res. 252** - Expressing the sense of Congress that the US Government should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country (*Rep. Burton - International Relations*)
- 13) **H.Con.Res. 312** - Urging the Government of the Russian Federation to withdraw or modify proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic and foreign nongovernmental organizations in the Russian Federation (*Rep. Hyde - International Relations*)
- 14) **H.Res. 534** - Recognizing the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq (*Rep. Burgess - International Relations*)
- 15) **H.Res. 575** - Providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority, and for other purposes (*Rep. Cantor - International Relations*)
- 16) **H.Res. 409** - Condemning the Government of Zimbabwe's "Operation Murambatsvina" under which homes, businesses, religious structures, and other buildings and facilities were demolished in an effort characterized by the Government of Zimbabwe as an operation to "restore order" to the country (*Rep. Lantos - International Relations*)
- 17) **H.Con.Res. 238** - Honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979 (*Rep. Millender-McDonald - International Relations*)
- 18) **H.Res. 458** - Remembering and commemorating the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the armed forces of El Salvador on December 2, 1980 (*Rep. McGovern - International Relations*)
- 19) **S. 335** - A bill to reauthorize the Congressional Award Act (*Sen. Lieberman - Education and the Workforce*)
- 20) **H.Res. 391** - To establish a Task Force on Ocean Policy (*Reps. Hastings (WA)/Gilchrest*).

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. The House will consider **H.R. 4437** – Border Security Act of 2005 (*Rep. Sensenbrenner - Judiciary*) (*Subject to a Rule*). In addition, the House may consider **H.R. 2830** – Pension Reform Act (*Rep. Boehner*) and may go to **Conference and Instruct Conferees** on: **H.R. 2863** – **Department of Defense Appropriations Act for FY06** (*Young {FL} – Appropriations*); and **H.R. 1815** – **National Defense Authorization Act for FY06** (*Rep. Hunter/Armed Services*) (*Subject to a Rule*).

Daily Quote...

"Senate Majority Leader Bill Frist (R-Tenn.) said Tuesday that Congress had run out of time this year to act on legislation that would have saved millions of taxpayers from the grasp of the alternative minimum tax in 2006. The tax was created decades ago to prevent the wealthiest citizens from sheltering most of their income from the Internal Revenue Service. But because inflation has driven wages higher over the years, it increasingly threatens more taxpayers considered to be middle class, with incomes of \$50,000 to \$75,000."

- From a story in the *Los Angeles Times* this morning