



The Daily Whip

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WEDNESDAY, JULY 27, 2005

House Meets At...	Last Vote Predicted At...
10:00 a.m.: Legislative Business Unlimited "One Minutes"	12:00 - 1:00 a.m.

***** THE REPUBLICAN LEADERSHIP HAS INDICATED THAT THE CAFTA BILL IS EXPECTED ON THE FLOOR TODAY. THIS WILL BE AN EXTREMELY CLOSE VOTE, AND ATTENDANCE IS CRITICAL. PLEASE CALL THE WHIP'S OFFICE IF, FOR ANY REASON, A MEMBER ANTICIPATES NOT BEING IN ATTENDANCE.**

FLOOR SCHEDULE AND BILL SUMMARY

H.Res. 387 - Rule providing for consideration of H.R. 3283 - US Trade Rights Enforcement Act (Rep. Putnam - Rules Committee). The Rules Committee has recommended a closed rule that provides 1 hour of general debate and self-executes a substitute amendment by Chairman Thomas. Unfortunately, the rule blocks consideration of several Democratic amendments including a substitute amendment by Ranking Member Rangel.

Suspensions (10 bills):

- 1) **H.R. 3204** - State High Risk Pool Funding Extension Act of 2005 (Rep. Shadegg - Energy and Commerce)
- 2) **S. 1395** - Controlled Substances Export Reform Act of 2005 (Sen. Hatch - Energy & Commerce)
- 3) **S. 544** - Patient Safety and Quality Improvement Act of 2005 (Sen. Jeffords - Energy and Commerce)
- 4) **S. 45** - To amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices (Sen. Levin - Energy and Commerce)
- 5) **H.R. 1132** - National All Schedules Prescription Electronic Reporting Act of 2005 (Rep. Whitfield - Energy and Commerce)
- 6) **H.Res. 383** - Encouraging the Transnational Assembly of Iraq to adopt a constitution that grants women equal rights under the law and to work to protect such rights (Rep. Granger - International Relations)
- 7) **H.Res. 384** - Condemning in the strongest terms the terrorist attacks in Sharm el-Sheikh, Egypt on July 23, 2005 (Rep. Issa - International Relations)
- 8) **H.Res. 378** - Recognizing and honoring the 15th anniversary of the signing of the Americans with Disabilities Act of 1990 (Reps. Sensenbrenner/Hoyer - Judiciary)
- 9) **H.Con.Res. 216** - Expressing the sense of the Congress that, as Congress observes the 40th anniversary of the Voting Rights Act of 1965 and encourages all Americans to do the same, it will advance the legacy of the Voting Rights Act of 1965 by ensuring the continued effectiveness of the Act to protect the voting rights of all Americans (Reps. Lewis (GA)/Conyers - Judiciary)
- 10) **H.Con.Res. 208** - Recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society (Rep. Conyers - Judiciary)

H.R. 3283 - US Trade Rights Enforcement Act (Rep. English - Ways & Means). This bill purports to address the imbalanced trade relationship between the US and China but provides no meaningful remedy to US businesses, farmers and workers harmed by China's trade practices. This bill: 1) includes language clarifying the right of US businesses to bring Counter Veiling Duty (CVD) cases against non-market economies like China, however, it also includes language that would make it virtually impossible to bring a successful CVD case against China; 2) expresses the sense of Congress that the US Trade Representative should give one of its current officials the additional title of "Chief Enforcement Officer;" 3) calls for a report on China's currency practices; and 4) provides a 3-year step requiring Chinese importers to pay cash deposits to cover duties owed. Yesterday, the House rejected this bill under Suspension of the Rules on a 240-186 vote.

H.Res. 385 - Rule providing for consideration of H.R. 5 - Medical Malpractice Bill (Rep. Gingrey - Rules). The Rules Committee has recommended a closed rule that provides 2 hours of general debate and provides one motion to recommit. Unfortunately, the rule denies several Democratic amendments including a substitute amendment by Ranking Members Conyers and Dingell.

H.Res. 386 - Rule providing for consideration of H.R. 3045 - Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Rep. Dreier - Rules). The Rules Committee has recommended a close rule that provides 2 hours of general debate.

H.R. 5 - Medical Malpractice Bill (Rep. Gingrey - Judiciary) (Subject to a Rule). Rather than taking immediate, effective action to provide health care to the 45 million uninsured Americans, this



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bill would limit damage awards to patients injured by medical malpractice. This bill is identical to HR5 (which passed the House in the 1st session of the 108th Congress with 186 Democrats voting No) and HR4280 (which passed the House in the 2nd session of the 108th Congress with 186 Democrats voting No). This year's HR5 bypassed the Judiciary Committee.

The Republicans' approach to reduce insurance costs is to impose hurdles on meritorious medical malpractice litigation currently available to aggrieved patients.

- **Republicans do nothing to directly limit frivolous lawsuits.** Republicans claim HR5 would reduce insurance costs for doctors by discouraging frivolous lawsuits, which they blame for driving up insurance premiums and reducing access to health care for patients, but their bill completely ignores the rate-setting process followed by the insurance industry. A recent study of the annual statements of the 15 largest medical malpractice insurers found that insurers substantially increased their premiums while both their claims payments and projected future claims payments were decreasing.
- **Republicans restrict the rights of doctors by protecting HMOs.** HR5 broadly defines "medical malpractice action" to protect HMOs, insurance companies, nursing homes and drug and device manufacturers from a broad range of liabilities, including suits by physicians against those companies.
- **Republicans limit awards for meritorious claims** by capping non-economic awards for pain and suffering at \$250,000, and punitive damages at \$250,000 or twice economic damages, whichever is greater (awards for economic losses that could include lost current and future wages would not be limited). For example, a nursing home resident who is abused by a nursing aide and suffers a broken hip has injuries worth only \$250,000, even if the resident can never walk again.
- **Republicans impose hurdles on patients.** Individuals would be required to file health care lawsuits no later than 3 years after the date of the injury or 1 year after discovering the alleged malpractice, whichever occurs first, but in no event can it be filed later than 3 years after an injury manifests itself. In addition, Republicans limit attorney contingency fees, which would potentially force injured persons, faced with medical bills and lost wages, to finance lawsuits they otherwise cannot afford.

Democrats are urged to VOTE NO on Final Passage of HR 5.

H.R. 3045 - Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (*Rep. DeLay - Ways & Means*) (*Subject to a Rule*). This bill implements the trade agreement signed last year between the United States and five Central American Countries (Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua) and the Dominican Republic. This bill would reduce numerous tariffs to US exports, and reduce barriers for agricultural products, including sugar. HR3045 calls for all countries in the agreement to enforce their own, existing labor laws --- unfortunately, labor laws in these Central American countries do not meet international standards, and have been repeatedly criticized by the UN's International Labor Organization (ILO) and the U.S. State Department.

Possible Motion to go to Conference on H.R. 2360 – Homeland Security Appropriations Bill for FY06 / Democratic Motion to Instruct.

Postponed Suspension Vote (1 bill):

- 1) **H.Res. 308** - Supporting the goals of National Marina Day and urging marinas continue providing environmentally friendly gateways to boating (*Rep. Dicks - Transportation & Infrastructure*)

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: the **Conference Report on H.R. 6** – Energy bill; the **Conference Report on HR 3** – Transportation Authorization bill; the **Conference Report on H.R. 2361** - Interior Appropriations Bill for FY06; and the **Conference Report on H.R. 2985** – Legislative Branch Appropriations Bill for FY06.

Daily Quote...

"However they came to learn about this juicy factoid, people in the Bush administration misused an intelligence secret to discredit a critic of its Iraq policy. And outing Plame, whether illegal or not, did harm to our national security. Plame may work in Langley, Va., but she worked with others who work in more dangerous locales. You only need to imagine how Republicans would have treated such a leak in the Clinton administration to dismiss their protestations that it's all no big deal."

- Los Angeles Times editorial today