



The Daily Whip

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FRIDAY, OCTOBER 8, 2004

House Meets At...	Last Vote Predicted At...
9:00 a.m.: Legislative Business Five "One Minutes" Per Side	7:00 – 9:00 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**H.R. 10 – 9/11 Recommendations Implementation Act (*Hastert – Intelligence*) (*Structured Rule – Complete Consideration*).**

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; 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 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.

Under the Rule adopted yesterday, the following amendments are in order with ten minutes of debate each:

- **Kirk Amendment** 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** 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** regarding direction to the Secretary of Homeland Security to increase Detention and Removal Operations bed space for FY06 and FY07 by 2,500 beds each year.
- **Capito Amendment** 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** 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** regarding the elimination of civil liability barriers to donations of surplus firefighting equipment by raising the liability standard for donors.



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- **Foley Amendment** regarding an amendment to the Immigration and Nationality Act to provide for the inadmissibility and removability of aliens who have committed, ordered, assisted, incited, or otherwise participated in acts of torture or extrajudicial killings abroad.
- **Goodlatte Amendment** regarding a rebuttable presumption that no amount of bail 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** regarding strengthening immigration law in regard to the inadmissibility and deportability of alien terrorists and their supporters.
- **Hostettler Amendment** 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** regarding expedited removal of aliens that have been in the US for less than 5 years.
- **Smith (NJ) Amendment** regarding asylum rights and refugee protections.
- **Barton Amendment** regarding a Sense of Congress on making additional broadcast spectrum available promptly for critical public safety needs.
- **Ose Amendment** regarding the expediting of construction of two gaps in the 14 mile long barrier at the San Diego border.
- **Fossella Amendment** 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** 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.
- **Mica Amendment** 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** 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** 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** regarding promoting the Special Assistant to the Secretary for the Private Sector to an Undersecretary of Homeland Security for the Private Sector and Tourism.

Motion to go to Conference on H.R. 10 – 9/11 Recommendations Implementation Act

Martial Law Rule for same consideration of Conference Report on H.R. 4200 - National Defense Authorization Act for FY05 (Rules)

Martial Law Rule for same day consideration of Conference Report on H.R. 4567 - Department of Homeland Security Appropriations Act for FY05 (Rules)

Conference Report on H.R. 4200 - National Defense Authorization Act for FY05 (Subject to a Rule) (Rep. Hunter / Armed Services). Text on this conference report is not yet available.

Conference Report on H.R. 4567 - Department of Homeland Security Appropriations Act for FY05 (Subject to a Rule) (Rep. Rogers (KY) / Appropriations). The conference report is expected to provide approximately \$32 billion for FY05 Homeland Security spending in addition to emergency funds for hurricane relief. The conference report may also include drought assistance funds. The final text on this conference report is not yet available.

TOMORROW'S OUTLOOK

The GOP Leadership has announced that the House will be **in session on Saturday if H.R. 4567 - Department of Homeland Security Appropriations Act for FY05 is not completed today.**

Daily Quote...

"Look, Saddam was delusional...He had a lot of intent. He didn't have capabilities. Intent without capabilities is not an imminent threat."

- David Kay former chief U.S. weapons inspector regarding the Duelfer Report released earlier this week, *The Washington Post*, today