



The Daily Whip

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THURSDAY, JULY 28, 2005

House Meets At...	Last Vote Predicted At...
10:00 a.m.: Legislative Business Five "One Minutes" Per Side	12:30 - 1:30 a.m.

FLOOR SCHEDULE AND BILL SUMMARY

H.Res. 392 - Rule providing for consideration of Conference Report on H.R. 2361 - Department of the Interior, Environment, and Related Agencies Appropriations Act for FY06 (Rep. Bishop (UT) - Rules). The closed rule waives all points of order against the report and its consideration.

H.Res. 394 - Rule providing for consideration of Conference Report on H.R. 6 - Energy Policy Act of 2005 (Rep. Hastings (WA) - Rules). The closed rule waives all points of order against the report and its consideration.

H.Res. 396 - Rule providing for consideration of Conference Report on H.R. 2985 - Legislative Branch Appropriations Act for FY06 (Rep. Lincoln Diaz-Balart - Rules). The closed rule waives all points of order against the report and its consideration.

H.Res. 395 - Rule providing for consideration of motions to suspend the rules (Rep. Putnam - Rules Committee). The Rule would allow bills to be considered under Suspension of the Rules on Thursday, July 28th.

Conference Report on H.R. 6 - Energy Policy Act of 2005 (Rep. Barton-Energy and Commerce) (Subject to a Rule). The conference report makes several changes to the bill passed by the House on April 21st including the elimination of provisions that would grant retroactive liability protection for MTBE producers and allow drilling and development of the Arctic National Wildlife Refuge (ANWR). Other changes from the House-passed bill include: increased use of renewable fuels and ethanol above the levels of the House-passed bill (7.5 billion gallons in 2012 rather than 5 billion); improved licensing procedures for hydroelectric power; increased research and development for future energy technologies; and additional electricity merger and anti-fraud regulations as well as provisions to help Western utilities with Enron contracts and stronger electricity reliability standards. The conference report also retains several controversial environmental provisions such as: an inventory of oil and gas resources in the Outer Continental Shelf; changes to the clean water act related to exploration and drilling; weakened public input under the National Environmental Policy Act (NEPA); and repeal of consumer protections in the Public Utilities Holding Company Act (PUHCA). Significant provisions calling for mandatory oil savings and a renewable portfolio standard for electricity production from the Senate bill were not included in the conference report. Finally, the conference report provides a net \$11.5 billion in tax incentives for renewable energy, efficiency and conservation, clean coal, electricity infrastructure, nuclear development, and oil and gas development.

Suspensions (4 bills):

- 1) H.Res. 378** - Recognizing and honoring the 15th anniversary of the signing of the Americans with Disabilities Act of 1990 (Reps. Sensenbrenner/Hoyer - Judiciary)
- 2) 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)
- 3) 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)
- 4) H. Res. 336** - Requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in "National Night Out", which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security (Rep. Stupak - Judiciary)

H.R. 5 – Medical Malpractice Bill (Rep. Gingrey - Judiciary) (Closed Rule - 2 hours of General debate). Rather than taking immediate, effective action to provide health care to the 45 million uninsured Americans, this 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.

- **Republicans do nothing to directly limit frivolous lawsuits.** They claim HR5 would reduce insurance costs for doctors by discouraging frivolous lawsuits, which they blame for driving up



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insurance premiums and reducing access to health care for patients, but they ignore the rate-setting process followed by the insurance industry. A recent study 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).
- **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.

Conference Report on H.R. 2361 – Department of the Interior, Environment and Related Agencies Appropriations Act for FY06 (Rep. Taylor {NC} – Appropriations) (Subject to a Rule). This conference report provides \$26.2 billion for the Department of the Interior, the Environmental Protection Agency and other agencies for FY06. The conference report also includes an additional \$1.5 billion to address FY05 shortfalls in Veterans’ Health Care. Highlights of the conference report include: \$ 9.93 billion for the Interior Department (\$1.8 billion for the Bureau of Land Management; \$1.3 billion for the Fish and Wild Service; \$2.3 billion for the National Park Service; and \$2.31 billion for the Bureau of Indian Affairs); \$7.9 billion for the Environmental Protection Agency (\$1.26 billion for the Hazardous Substance Superfund; \$2.4 billion for Environmental Programs and Management; and \$3.18 billion for State and Tribal Assistance Grants); \$4.26 billion for the Forest Service; \$3.1 billion for Indian Health; \$624 million for the Smithsonian Institution; \$126 million for the National Endowment for the Arts; and \$143 million for the National Endowment for the Humanities.

Conference Report on H.R. 2985 - Legislative Branch Appropriations Act for FY06 (Rep. Lewis (CA) - Appropriations) (Subject to a Rule). This conference report provides \$3.08 billion to fund Legislative agencies in FY06. Highlights of the conference report include: \$1.1 billion for the House of Representatives; \$852.6 million for the Senate; \$249 million for the Capitol Police; \$428 million for the Architect of the Capitol; \$561 million for the Library of Congress; and \$123 million for the Government Printing Office. The conference report retains the text of HR841, which was included in the House bill. HR841 would require States to hold special elections to fill vacancies in the House of Representatives not later than 49 days after the vacancy is announced by the Speaker of the House in extraordinary circumstances.

H.Res. 393 – Martial Law Rule providing for same day consideration of the Conference Report on H.R. 3 – TEA: A Legacy for Users (Rep. Capito - Rules)

H.Res.____ - Rule providing for consideration of H.R.3 TEA-LU

Conference Report on H.R. 3 - Transportation Equity Act: A Legacy for Users (Rep. Young (AK) - Transportation and Infrastructure)

TOMORROW’S OUTLOOK

On Friday, the House is expected not to meet if today’s legislative agenda is completed.

Daily Quote...

“In fact, the CIA had worked hard to convince the White House that the Iraq-Niger allegations didn't hold water. So what you have here is the White House, which got caught erecting a fanciful case for war, aggressively trying to pin responsibility on the CIA and undermine the credibility of whistleblower Wilson. . . . So with Wilson, you put out the story that his Niger trip was a boondoggle authorized by his wife (it wasn't), and accuse him of saying falsely that Vice President Dick Cheney sent him (Wilson never said that). . . . [Deputy Chief of Staff Karl] Rove's patented tactics are ugly on the campaign trail; they have absolutely no place in the White House.”

- *The Minneapolis Star Tribune*, in an editorial today