



The Daily Whip

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FRIDAY, SEPTEMBER 29, 2006

House Meets At...	Last Vote Predicted At...
9:00 a.m.: Legislative Business Five "One Minutes" Per Side	???

*(272nd Calendar Day of the Year – 81st Voting Day of the Year – Target Adjournment Day)***FLOOR SCHEDULE AND BILL SUMMARY**

**** MEMBERS ARE ADVISED THAT SATURDAY VOTES ARE LIKELY.** The Republican Leadership has announced that the House will not recess until final action on [H.R. 6061](#) – Border Fence Bill is completed. [H.R. 6061](#) is being considered in the Senate.

**** MEMBERS ARE URGED TO SIGN THE LOWEY DISCHARGE PETITION (#17)** on [H.R. 5147](#) to hold seniors harmless on the surcharges imposed by the Prescription Drug bill.

[H.Res. 1045](#) - Rule providing for consideration of three measures: [H.R. 5441](#) – Homeland Security Appropriations Conference Report; [S. 3930](#) – Military Commissions Act; and [H.R. 4772](#) - Private Property Rights Implementation Act of 2006 (*Rules*). The closed rule provides one hour of debate for three separate items: [H.R. 5441](#), [S. 3930](#), and [H.R. 4772](#); provides one motion to commit [S. 3930](#) and one motion to recommit [H.R. 4772](#) with or without instructions.

[H.R. 4772](#) - Private Property Rights Implementation Act of 2006 (*Rep. Chabot {OH} - Judiciary*) (*Subject to a Rule*). This bill would alter the procedures governing regulatory takings litigation and would modify standards set by the U.S. Supreme Court for determining whether a regulatory takings claim is ripe for adjudication. The bill would expedite access to the federal courts by allowing property owners and developers to bypass local administrative procedures when challenging land use decisions by state and local governments. The bill would also allow property developers to challenge in federal court certain conditions that local and state governments, as well as federal agencies, impose on a proposed development, bypassing state courts and other state procedures for resolving such matters. This bill was defeated under Suspension of the Rules on September 26th by a 234-172 vote.

[S. 3930](#) – Military Commissions Act (*Sen. McConnell –Armed Services*) (*Subject to a Rule*). This bill establishes procedures governing the interrogation and trial of unlawful enemy combatants under U.S. custody anywhere in the world. The bill: 1) authorizes the President to interpret the meaning and application of the Geneva Conventions, although certain “grave breaches” of Article 3 are explicitly defined in the bill; 2) expands the definition of unlawful enemy combatant to include any individual who “purposefully and materially” supported hostilities against the United States; 3) prohibits the accused from invoking the right of Habeas Corpus; and 4) allows the admission of reliable and probative evidence obtained through torture or coercion before the passage of the Detainee Treatment Act (December 30, 2005) but through coercion only after that date. This bill also establishes rules of quorum and revamps the existing appeals process by establishing a new Court of Military Commission Review, with appeals to the D.C. Circuit, and by certiorari to the Supreme Court. This bill is identical to [H.R. 6166](#), which was adopted by the House on September 27th by a 253-168 vote, and was adopted by the Senate yesterday by a 65-34 vote.



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H.Res. 1053 – **Martial Law Rule** (*Rep. Cole – Rules*). The rule provides for same-day consideration of any rule reported on the legislative day of September 29, 2006.

H.R. 5441 – **FY07 Homeland Security Appropriations Conference Report** (*Rep. Rogers {KY} – Appropriations*) (*Subject to a Rule*). This conference report provides \$34.8 billion for operations and activities of the Department of Homeland Security (DHS) in fiscal year 2007. Funding in this conference report includes \$8 billion for Customs and Border Protection with \$1.3 billion allocated from user fees; \$4 billion for Immigration and Customs Enforcement; \$3.6 billion for the Transportation Security Administration; \$8.3 billion for the Coast Guard; \$1.3 billion for the Secret Service; \$4 billion for the Preparedness Directorate; \$2.5 billion for FEMA; and \$973 million for science and technology. The conference report includes language to delay implementation of a requirement for travelers -- from countries in the Western Hemisphere that have previously been exempted -- to have a passport or other valid document to enter the U.S. (the language extends the deadline from January 1, 2008 to the earlier of June 1, 2009 or three months after certification by the Homeland Security and State Departments).

Suspensions (6 bills):

- 1) **H.Res. 1028** - Supporting the goals and ideals of Red Ribbon Week (*Rep. Souder - Energy and Commerce*)
- 2) **H.Res. ___** - Requests the Department of Health and Human Services to outline the federal government's responsibilities, taking into account the responsibilities and actions of the state and local governments, to support a program for medically monitoring and treating all individuals who were exposed to the toxins of Ground Zero on 9/11 (*Rep. Fossella - Energy and Commerce*)
- 3) **H.R. 6228** - Wright Amendment Reform Act of 2006 (*Rep. Young (AK) - Transportation and Infrastructure*)
- 4) **H.R. 6233** - To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes (*Rep. Young (AK) - Transportation and Infrastructure*)
- 5) **H.R. 6203** - To provide for Federal energy research, development, demonstration, and commercial application activities, and for other purposes (*Rep. Biggert - Science*)
- 6) **S. 3728** - North Korea Nonproliferation Act of 2006 (*Sen. Frist - International Relations*)

H.R. 5122 – **National Defense Authorization Conference Report** (*Rep. Hunter – Armed Services*) (*Subject to a Rule*).

H.R. 4954 – **SAFE Port Act Conference Report** (*Rep. Lungren – Homeland Security*) (*Subject to a Rule*).

H.R. 6061 – **U.S./Mexico Border Fence Conference Report** (*Rep. King (NY) – Homeland Security*) (*Subject to a Rule*).

Daily Quote...

"President Bush barely mentioned the war in Iraq when he met with Republican senators behind closed doors in the Capitol Thursday morning and was not asked about the course of the war, Sen. Trent Lott, R-Mississippi, said. 'No, none of that,' Lott told reporters after the session when asked if the Iraq war was discussed. 'You're the only ones who obsess on that. We don't and the real people out in the real world don't for the most part.'"

- From a *CNN* story yesterday