



The Daily Whip

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THURSDAY, JULY 22, 2004

House Meets At...	Last Vote Predicted At...
10:00 a.m.: Legislative Business Ten "One Minutes" Per Side	10:00 p.m. – 12:00 a.m.

**** DEMOCRATS ARE URGED TO SIGN THE TIM BISHOP DISCHARGE PETITION (No.10) TO DISCHARGE H.R. 3004. THIS BILL PROVIDES MANDATORY ENFORCEMENT OF ELECTRICITY RELIABILITY STANDARDS AND IS BASED ON CONSENSUS BIPARTISAN PROVISIONS CONTAINED IN THE CONFERENCE REPORT FOR H.R.6. CHECK THE CLERK'S WEBSITE TO SEE IF YOUR MEMBER HAS SIGNED ON: <http://clerk.house.gov/108/lrc/pd/petitions/Dis10.htm>**

FLOOR SCHEDULE AND BILL SUMMARY

H.R. 3313 - Marriage Protection Act of 2003 (Rep. Hostettler - Judiciary) (Subject to a Rule). This bill would amend the Federal judicial code to deny Federal courts jurisdiction, including the Supreme Court, to hear or determine any question pertaining to the Defense of Marriage Act (DOMA). The part of DOMA that H.R.3313 would remove from federal judicial review is the provision that prevents states from being forced to recognize same-sex marriages from other states. This bill was reported out of the Judiciary Committee on a 21-13 vote with Democrats in the Committee stating in their dissenting views that H.R. 3313 is 1) unprecedented since Congress has never passed a law that eliminates the federal courts' ability to review the constitutionality of a federal law; 2) undermines the Federal Judiciary by unilaterally cutting-off federal constitutional review; and 3) unconstitutional because it contravenes the principle of separation of powers between the branches of government and it violates the Fifth Amendment's equal protection clause.

The Rules Committee has recommended a closed rule with 90 minutes of debate that provides one motion to recommit with or without instructions.

H.R. 4842 - United States-Morocco Free Trade Implementation Act (Rep. DeLay - Ways & Means) (Subject to a Rule). This agreement provides that more than 95% of bilateral trade in consumer and industrial products will become duty-free immediately, and all other remaining tariffs will be eliminated within nine years. Currently, U.S. exports to Morocco face an average tariff of 20% versus a 4% average tariff that Moroccan exports face in the U.S. market. This bill was reported out of the Ways and Means Committee on a 26-0 vote on July 20th.

The Rules Committee has recommended a closed rule with 2 hours of debate that waives all points of order against consideration of the bill.

Some of the items in the agreement include:

- **Textile and apparel.** Trade will be duty-free if imports meet the Agreement's rule of origin -- the Agreement requires qualifying apparel to contain either U.S. or Moroccan yarn and fabric and a limited amount of third country content. The agreement requires Morocco to eliminate textile tariffs on U.S. exports within 10 years.
- **Agriculture.** U.S. poultry, beef, and wheat exports will benefit from liberalization of Morocco's tariff-rate quotas. U.S. products like pecans, frozen potatoes, and breakfast cereals will receive immediate duty-free access, and soybeans, sorghum, and grapes will receive more graduated duty-free access. Morocco will eliminate the tariffs on U.S. corn and corn products within five years.
- **Services.** U.S. service providers such as audiovisual, express delivery, telecommunications, computer related services, construction and engineering will have enhanced access to Morocco's market. U.S. banks and insurance companies will have the right to establish subsidiaries and joint ventures in Morocco.
- **Labor.** The agreement contains provisions requiring the effective enforcement of domestic labor and environmental laws, and cooperative efforts to upgrade labor and environmental standards. The prospect of a free trade agreement with the U.S. helped forge a domestic consensus for labor law reform in Morocco and a comprehensive new labor law went into effect on June 8, 2004. This new law: raises the minimum employment age (from 12 to 15) to combat child labor; reduces the work week from 48 to 44 hours with overtime rates payable for additional hours; improves worker health and safety regulations; and guarantees rights of association and collective bargaining.
- **Pharmaceuticals.** The agreement strengthens intellectual property protection for drug producers from either country. The U.S. and Morocco have stated that this does not "affect the ability of either party to take the necessary measures to protect public health by promoting access to medicines for all, in particular concerning cases such as HIV/AIDS, tuberculosis, malaria, and other epidemics as well as circumstances of extreme urgency or national emergency." Under the agreement, Morocco retains its rights under the WTO Trade-Related Intellectual Property agreement to issue compulsory licenses for generic drugs for diseases such as HIV/AIDS.



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H.R. 4837 - Military Construction Appropriations Act for FY05 (Rep. Knollenberg / Appropriations) (Open Rule – Complete Consideration). This bill provides \$10 billion for FY05 including \$5.3 billion for military construction and \$4.2 billion for family housing. This bill includes an important provision that would improve military housing for almost 50,000 military families in 22 states by raising by \$500 million the cap on the federal contributions to the Military Privatization Initiative. However, it is expected that Republicans will strike this provision on the Floor of the House because the Rule adopted yesterday did not include the waivers necessary to protect it. Amendments to this bill will be considered under the 5-minute rule.

Conference Report on H.R. 4613 - Department of Defense Appropriations Act for FY05 (Rep. Lewis (CA) / Appropriations) (Subject to a Rule). This conference report provides \$417.5 billion in new appropriations for the Department of Defense for FY05 including \$25 billion for operations in Iraq and Afghanistan. The conference report includes \$103.7 billion for military personnel; \$121.1 billion for operation and maintenance programs; \$77.7 billion for procurement; and \$69.9 billion for research and development programs. The \$25 billion allocated for Iraq and Afghanistan operations includes \$20.2 billion for operation and maintenance accounts (\$576 million for additional body armor); \$1.4 billion for procurement appropriations; and \$1.3 billion in extra funding for military personnel accounts. The conference report permits that up to \$1.5 billion in FY05 funds and up to \$2.8 billion in FY04 funds be reprogrammed by the Administration following approval by the congressional defense committees.

The Rules Committee has recommended a rule that waives all points of order against the conference report and against its consideration.

Martial Law Rule for same day consideration of a temporary extension of the transportation bill.

Temporary extension of the Transportation bill.

Postponed Suspension Votes (8 bills):

- 1) **H.R. 4175** - Veterans' Compensation Cost-of-Living Adjustment Act of 2004 (*Rep. Smith {NJ} - Veterans' Affairs*)
- 2) **H.Res. 728** - Expressing the sense of the House of Representatives that the actions of terrorists will never cause the date of any Presidential election to be postponed and that no single individual or agency should be given the authority to postpone the date of a Presidential election (*Ney - House Administration*)
- 3) **H.R. 4056** - Commercial Aviation MANPADS Defense Act of 2004 (*Rep. Mica - Transportation & Infrastructure*)
- 4) **H.Res. 652** - Urging the Government of the Republic of Belarus to ensure a democratic, transparent, and fair election process for its parliamentary elections in the fall of 2004 (*Rep. Bereuter - International Relations*)
- 5) **H.Con.Res. 436** - Celebrating 10 years of majority rule in the Republic of South Africa and recognizing the momentous social and economic achievements of South Africa since the institution of democracy in that country (*Rep. Payne - International Relations*)
- 6) **H.Con.Res. 418** - Recognizing the importance in history of the 150th anniversary of the establishment of diplomatic relations between the United States and Japan (*Rep. Lantos - International Relations*)
- 7) **H.Con.Res. 469** - Condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case (*Rep. Ros-Lehtinen - International Relations*)
- 8) **H.Con.Res. 467** - Declaring genocide in Darfur, Sudan (*Payne - International Relations*)

Postponed Vote on the Stenholm Motion to Instruct Conferees on H.R. 1308 – Extension of Tax Cuts Conference Report. This motion instructs conferees to agree, to the maximum extent possible within the scope of the conference, to a conference report that extends the tax relief provisions that expire at the end of 2004, and does not increase the federal budget deficit.

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule: On Friday, the House will meet at 9:00 a.m. for legislative business.

Daily Quote...

"The Great American Job Machine is not even close to generating the surge of the high-powered jobs that is typically the driving force behind greater incomes and consumer demand. This puts households under enormous pressure. Desperate to maintain lifestyles, they have turned to far riskier sources of support. Reliance on tax cuts has led to record budget deficits, and borrowing against homes has led to record household debt. These trends are dangerous and unsustainable, and they pose a serious risk to economic recovery."

- Stephen Roach, chief economist at Morgan Stanley, in *The New York Times* this morning