

## CONGRESSIONAL RECORD SUMMARY

Thursday, December 6, 2001

### SENATE

#### Measure Introduced:

**S. 1780.** A bill to provide increased flexibility Government wide for the procurement of property and services to facilitate the defense against terrorism, and for other purposes; to the Committee on Governmental Affairs.

Thompson

*Pages S 12551, S 12553-4*

#### H.R. 3338. Department of Defense Appropriations:

*Senate began consideration of H.R. 3338*, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, with a committee amendment in the nature of a substitute, taking action on the following amendments proposed thereto:

*Pages S 12476-S 12529, D 1212*

#### Withdrawn:

*Stevens Amendment No. 2243*, of a perfecting nature.

*Pages S 12515-21, D 1212*

#### H.R. 2944. District of Columbia Appropriations Conference Report--Agreement:

*A unanimous-consent-time agreement was reached providing for consideration of the conference report on H.R. 2944*, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, at 9:30 a.m., on Friday, December 7, 2001, with a vote on adoption of the conference report to occur thereon.

*Pages S 12579, D 1213*

#### Nominations Confirmed:

**Senate confirmed the following nominations:**

*By unanimous vote of 99 yeas (Vote No. EX. 353), Harris L. Hartz, of New Mexico, to be United States Circuit Judge for the Tenth Circuit.*

*Pages S 12472-5, S 12579, D 1213*

*"...Mr. President, today, the Senate is taking final action on three additional judicial nominations. There are a total of nine judicial nominees who have been voted out of committee and are awaiting final action by the Senate. Today's confirmation of 1 circuit court and 2 district court judges will bring the total number of judges confirmed this year to 21. When the Senate completes its action on the nomination of the remaining 6 district court judges, we will have confirmed 27 judges since July, including 6 to the Courts of Appeals..." (Leahy, Page S 12473)*

*Danny C. Reeves, of Kentucky, to be United States District Judge for the Eastern District of Kentucky. Joe L. Heaton, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.*

*Pages S 12475-6, S 12577, S 12579, D 1213*

#### Notice Of Proposed Rule Making. Office Of Compliance.

*Pages S 12539-51*

#### Committee Meetings:

**Committee on Energy and Natural Resources:** Committee concluded hearings to examine negotiations on extensions of funds and program assistance under the Compact of Free Association between the United States and the Pacific Island nations of the Federated States of Micronesia and the Republic of the Marshall Islands.

**Committee on Governmental Affairs:** Committee concluded hearings to assess the vulnerability of United States seaports to certain criminal activity, and whether the Federal Government is adequately structured to safeguard them.

**Committee on the Judiciary:** Committee concluded oversight hearings to examine the Department of the Judiciary's response on how to preserve freedoms while defending against terrorism, focusing on their comprehensive criminal investigation to identify the killers of September 11 and to prevent further terrorist attacks, including enhanced information sharing between law-enforcement and intelligence communities.

*Page D 1214*

**Remarks:**

**Confirmation Of Larry Hicks.**

*"... It has truly been a bipartisan approach with respect to the federal bench in Nevada, and I am so pleased that the Senate will soon vote to confirm Larry Hicks to be the next Judge on the U.S. District Court for the District of Nevada..."*

Reid

*Pages S 12529-30*

Concern For The Integrity And Reputation Of The United States Civil Rights Commission.

Hatch

*Pages S 12530-1*

Confirmation Of John Walters As Director Of The Office Of National Drug Control Policy.

McCain

*Pages S 12531-2*

Our Constitution.

Carper

*Page S 12532*

Brady Act Successes.

Levin

*Page S 12532*

**HOUSE**

**Bills Introduced:**

**H.R. 3426.** A bill to provide increased flexibility Government wide for the procurement of property and services to facilitate the defense against terrorism, and for other purposes; to the Committee on Government Reform.

Davis

Page H 9077

**H.R. 3432.** A bill to require that the Coast Guard Sea Marshal program be carried out in the 20 ports in the United States considered by the Secretary of Transportation to be the most vulnerable to attack by use of a commercial vessel as a terrorist instrument, to authorize additional personnel and funds for such program, and for other purposes; to the Committee on Transportation and Infrastructure.

Cooksey

Page H 9077

**H.R. 3437.** A bill to amend the Merchant Marine Act, 1936 to establish a program to ensure greater security for United States Seaports, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Shaw

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**Report Filed:**

**Report was filed today as follows:**

**Conference report on H.R. 2883**, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (House Report 107-328).

Pages H9057-65, H 9076, D 1215

**Suspension—H.R. 3008. Trade Adjustment Assistance Program:**

*The House agreed to suspend the rules and pass H.R. 3008, amended*, to reauthorize the trade adjustment assistance program under the Trade Act of 1974 by a ye-and- nay vote of 420 yeas to 3 nays with 1 voting “present,” Roll No. 477. *Agreed to amend the title.*

Pages H 8953-60, H 8970-1, D 1215

**Suspension Failed—H.R. 3129. Customs Border Security Act:**

*The House failed to suspend the rules and pass H.R. 3129, amended, to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission by a ye-and-nay vote of 256 yeas to 168 nays (two-thirds required to pass), Roll No. 478.*

Pages H 8960-70, H 8971-2, D 1215

*“... However, the bill would allow Customs officials to open ‘sealed’ mail with ‘reasonable cause.’ This is a far lower standard than probable cause, and would effectively eliminate the need for judicial review. Furthermore, section 144 would allow Customs officials to open ‘unsealed’ mail and any mail bearing a Customs declaration for no cause whatsoever...” (Jackson-Lee, Page H 8968)*

**H.R. 3005. Bipartisan Trade Promotion Authority:**

*The House passed H.R. 3005*, to extend trade authorities procedures with respect to reciprocal trade agreements by a recorded vote of 215 yeas to 214 noes, Roll No. 481.

Pages H 8981-H 9044, D 1215

**See Page H 9034:** *(I) To pursue the establishment of formal procedures under which the FTAA dispute*

panels and any appellate body seek advice from other fora of competent jurisdiction, such as the International Court of Justice, ILO, representative bodies established under international environmental agreements, and scientific experts.

(5) *Trade-related aspects of intellectual property rights.*--The principal negotiating objectives of the United States with respect to trade-related aspects of intellectual property rights are the following:

(A) To ensure that the provisions of a regional trade agreement governing intellectual property rights that is entered into by the United States reflects a standard of protection similar to that found in United States law.

(B) To provide strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property.

(C) To prevent or eliminate discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights.

(D) To ensure that standards of protection and enforcement keep pace with technological developments, including ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works.

(E) To provide strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

**Rejected the Rangel motion** to recommit the bill to the Committee on Ways and Means with instructions to report it back with an amendment in the nature of a substitute that establishes the Comprehensive Trade Negotiation Authority Act of 2001 by a recorded vote of 162 yeas to 267 noes, Roll No. 480.

*Pages H 9029-44, D 1215*

Pursuant to the rule the amendment recommended by the Committee on Ways and Means now printed in the bill, H. Rept. 107-249 Part 1, and modified by the amendment printed in the report of the Committee on Rules, H. Rept. 107-323, were considered as adopted.

*Pages H 8987, D 1215*

**H. Res. 306**, the rule that provided for consideration of the bill was agreed to by a yeas-and-nays vote of 224 yeas to 202 nays, Roll No. 479.

*Pages H 8972-81, D 1215*

#### **Late Report--H.R. 2883, Intelligence Authorization Conference Report:**

**Conferees** received permission to have until midnight on Thursday, Dec. 6 to file a conference report on **H.R. 2883**, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

*Pages H 9044, D 1215*

#### **H.R. 2944. District of Columbia Appropriations Conference Report:**

**The House agreed to the conference report on H.R. 2944**, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002 by a yeas-and-nays vote of 302 yeas to 84 nays, Roll No. 482. Earlier agreed that it be in order to consider the conference report; that all points of order against it and against its consideration be waived; that it be considered as read; and that **H. Res. 307**, a rule waiving points of order against the conference report be laid on the table.

**Notice Of Proposed Rule Making. Office Of Compliance.**

*Pages H 9065-76*

**Committee Meetings:**

**Committee on the Judiciary:** Held a hearing on **H.R. 3288**, Fairness in Antitrust in National Sports (FANS) Act of 2001.

**Committee on the Judiciary:** Subcommittee on Commercial and Administrative Law and the Subcommittee on Courts, the Internet, and Intellectual Property held a joint hearing on the Settlement Agreement by and among the United States of America, the FCC, NextWave Telecom, Inc., and certain affiliates, and Participating Auction 35 Winning Bidders.

**Committee on Science:** Ordered reported the following bills: **H.R. 3394**, Cyber Security Research and Development Act; and **H.R. 3400**, amended, Networking and Information Technology Research Act.

**Committee on Transportation and Infrastructure:** Subcommittee on Coast Guard and Maritime Transportation held a hearing on Port Security.

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**Next SENATE MEETING: Friday, 9:30 a.m., December 7, 2001.**

**Next HOUSE MEETING: Monday, 2:00 p.m., December 10, 2001.**

**OLA: S. Schwarz (Smith)**