

CONGRESSIONAL RECORD SUMMARY

Tuesday, November 13, 2001

SENATE

Measure Introduced:

S. 1677. A bill to *amend title I of the Employee Retirement Income Security Act of 1974* to create a safe harbor for retirement plan sponsors in the designation and monitoring of investment advisers for workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

Bingaman

Pages S 11719, S 11721-2

Measure Rejected:

Budget and Emergency Deficit Act: By 1 yea to 99 nays (Vote No. 336), *Senate rejected S.J. Res. 28*, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Pages S 11665-S 11711, D 1131

H.R. 3090. Economic Security and Recovery Act:

Senate began consideration of H.R. 3090, to provide tax incentives for economic recovery.

Pages S 11678-S 11708, D 1131

See Pages S 11685-6: PART III-DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS.

“(C) Disclosure under ex parte orders.--

*“(i) In general.--Except as provided in paragraph (6), any return or return information with respect to any specified taxable period or periods shall, pursuant to and upon the grant of an ex parte order by a **Federal district court judge or magistrate** under clause (ii), be open (but only to the extent necessary as provided in such order) to inspection by, or disclosure to, officers and employees of any Federal law enforcement agency or Federal intelligence agency who are personally and directly engaged in any investigation, response to, or analysis of intelligence and counterintelligence information concerning any terrorist activity or threats. Return or return information opened pursuant to the preceding sentence shall be solely for the use of such officers and employees in the investigation, response, or analysis, and in any judicial, administrative, or grand jury proceedings, pertaining to any such terrorist activity or threat...”*

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Wednesday, November 14, 2001.

Pages S 11735, D 1131

Measure Indefinitely Postponed:

Military Construction Appropriations: S. 1460, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002.

Pages S 11735, D 1131

Nomination Confirmed:

Senate confirmed the following nomination:

By unanimous vote of 99 yeas (Vote No. EX. 335), Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

Pages S 11708-11, D 1131

"... Over the last several years I have commented on those vacancies as I urged action on the nominations of Jorge Rangel, Enrique Moreno, and Alston Johnson to fill those vacancies on the 5th Circuit. None of those nominees were ever provided a hearing or acted upon by the Senate. After 15 months without action, Mr. Rangel asked not to be re-nominated. After 15 months and two nominations, Enrique Moreno's nomination was returned to the President without action. After nearly 23 months and two nominations without action, Mr. Johnson's nomination was withdrawn by President Bush in March of 2001. The nominations hearing for Judge Clement was the first hearing for a nominee to the 5th Circuit in 7 years--since September 14, 1994. She will likewise be the first judge confirmed to the 5th Circuit in 7 years. [] In addition, I note that by confirming our 18th judicial nominee, we have now confirmed more total judges this year than were confirmed in 1989, the first year of the first Bush administration. With the confirmations of Judges Armijo, Bowdre, Friot, and Wooten last week, the Senate confirmed its 10th, 11th, 12th and 13th District Court judges for the year and matched and then exceeded the number of District Court judges confirmed in 1989, which was 10..." (Leahy, page S 11709)

"...I will vote to confirm Judge Edith Brown Clement to the U.S. Court of Appeals for the Fifth Circuit today, but I do so with some reservations. I rise today to discuss my concerns for the record and to comment on the issue of privately funded judicial education about which I questioned Judge Clement..." (Feingold, Page S 11709)

Committee Meeting:

Committee on Governmental Affairs: Permanent Subcommittee on Investigations concluded hearings on the Immigration and Naturalization Service's role in processing aliens arrested for illegal entry into the United States between ports of entry, ***focusing on Border Patrol and Inspections' procedures*** to facilitate the flow of illegal immigration while preventing illegal entry of people and contraband.

Page D 1132

Committee Meetings For Wednesday, November 14, 2001:

Committee on Appropriations: @ 2:30 p.m. Subcommittee on District of Columbia, to hold hearings to examine emergency operations planning and response in the metropolitan Washington area. SD-192.

Committee on Banking, Housing, and Urban Affairs: @ 2:30 p.m. Subcommittee on International Trade and Finance, to hold hearings to examine hawala-referring a creditor to a third party to receive his/her money; and underground terrorist financing mechanisms. SD-538.

Committee on Governmental Affairs: @ 9:15 a.m. Business meeting to consider pending calendar business. SD-342.

Committee on Governmental Affairs: @ 10:30 a.m. Full Committee, to hold joint hearings with the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to examine improvement processes concerning airline security. SD-342.

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Committee Meetings For Wednesday, November 14, 2001 (Cont'd.):

Committee on the Judiciary: @ 10:00 a.m. Subcommittee on Technology, Terrorism, and Government

Information, to hold hearings to examine new technologies for terrorism prevention, focusing on biometric identifiers. SD-226.

Page D 1136

Remarks:

The Budget Surplus.

Nelson

Page S 11673

Airline Security.

Nelson

Pages S 11673-4

Airport Security.

Dodd

Page S 11674

HOUSE

Bills Introduced:

H.R. 3282. *A bill to designate the Federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the “Mike Mansfield Federal Building and United States Courthouse;” to the Committee on Transportation and Infrastructure.*

Rehberg

Page H 8132

H.R. 3285. A bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Financial Services, and Education and the Workforce, 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.

Weiner

Page H 8132

Reports Filed:

Reports were filed today as follows:

H.R. 2269, to amend title I of the *Employee Retirement Income Security Act of 1974* and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets, amended (House Report 107-262 Pt. 2);

H.R. 2841, to designate the building located at 1 Federal Plaza in New York, New York, as the “James L. Watson United States Court of International Trade Building” (House Report 107-280); and

H. Res. 286, waiving points of order against the conference report on H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002 (House Report 107-287).

Pages H 8131-2, D 1132-3

Suspensions:

The House agreed to suspend the rules and pass the following measures:

Diplomatic Security Agent Enhanced Authorities: H.R. 2541, amended, to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of

domestic Department of State occupied facilities (agreed to by a yea- and-nay vote of 410 yeas with none voting “nay,” Roll No. 437);

Pages H 8038-9, H 8087-8, D 1133

“... Mr. Speaker, H.R. 2541 authorizes diplomatic security special agents to obtain and execute search warrants, subpoenas or summonses as those relate to their protective duties and to passport and visa fraud investigations. It also permits agents, in the course of conducting their investigative or protective duties, to make arrests without warrant for offenses committed in their presence or in certain other compelling circumstances, just as other Federal law enforcement officers are now empowered to do. The bill also allows diplomatic security agents to make misdemeanor arrests of persons obstructing or impeding agents in the performance of their protective functions. Finally, Mr. Speaker, H.R. 2541 fixes a disconnect in current law in which the Secretary of State may authorize protection of distinguished visitors, but where it does not make it a Federal crime to attack such visitors. Current law only criminalizes attacks on distinguished visitors protected by the Diplomatic Security Services when they are “official” visitors...”
(Smith, Page H 8039)

James L. Watson United States Court of International Trade Building, New York City, New York: H.R. 2841, to designate the building located at 1 Federal Plaza in New York, New York, as the “James L. Watson United States Court of International Trade Building;”

Pages H 8056-7, D 1134

American Spirit Fraud Prevention Act: H.R. 2985, to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

Pages H 8107-9, D 1134

Motion to Instruct Conferees on H.R. 2500. Commerce, Justice, State Appropriations Vitiating:

The filing of the conference report on H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies vitiating the Rohrabacher motion to instruct conferees which was debated on Thursday, November 8 and on which further proceedings were postponed. The conference report was filed on Friday, November 9.

Pages H 8088, D 1135

Discharge Petition:

Representative Cunningham filed a motion, Discharge Petition No. 4, to discharge the Committee on Rules from the consideration of H. Res. 271, providing for consideration of H.R. 218, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

Pages H 8088, D 1135

Committee Meetings:

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, the Subcommittee on Criminal Justice, Drug Policy and Human Resources, and the Subcommittee on National Security, Veterans Affairs and International Relations held a joint hearing on “Law Enforcement: Are Federal, State and Local Agencies Working Together Effectively?”

Committee on Rules: Held a hearing on the President's "*Freedom to Manage*" Initiative.

Committee on Rules: *Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and against its consideration. The rule provides that the conference report shall be considered as read.*

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Issues Surrounding the Legal Definition of U.S. Persons.

Page D 1135

Joint Committee Meeting:

Conferees met to resolve the differences between the Senate and House passed versions of **S. 1447**, to improve aviation security, but did not complete action thereon, and will meet again tomorrow.

Page D 1136

Committee Meeting For Wednesday, November 14, 2001:

Committee on the Judiciary, @ 10:00 a.m. Subcommittee on Crime, hearing on the implementation legislation for the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism; followed by markup of **H.R. 3209**, Anti-Hoax Terrorism Act of 2001. 2237 Rayburn.

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Joint Committee Meetings For Wednesday, November 14, 2001:

Conference: @ 10:30 a.m. *Meeting of conferees on H.R. 2506*, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002. S-128, Capitol.

Conference: @ 3:00 p.m. *Meeting of conferees on S. 1447*, to improve aviation security. Room to be announced.

Page D 1137

Remarks:

Attorney General's Pattern Of Disturbing Actions In Midst Of Battle Against Terrorism.

"...I am troubled by the pattern that appears to be emerging within the U.S. Justice Department under the leadership of the Attorney General of deviating from what ought to be the course of action appropriate right now. [] But recently the Attorney General, in the midst of telling us that he is going to reorient the FBI and reorient the Justice Department to focus on terrorism, at a time when we know we have done a poor job of keeping track of people admitted into this country for limited periods and limited purposes, we have done a poor job of enforcing those limits, the Attorney General is engaged in a couple of ideological

crusades, in both cases ignoring referenda passed by two States. States' rights is sometimes respected by my conservative colleagues; but it is sometimes, I guess when it gets in the way of their ideology, ignored..."

Frank

Page H 8036

Anti-American Sentiment.

"... Our media, of course, aided and abetted this anti-American spirit under the guise of an intellectual superiority and political correctness. Our courts on far too many occasion have encouraged this anti-American sentiment by interpreting the Constitution in a way that would have had Madison and Adams spinning in their graves..."

Tancredo

Pages H 8126-31

Internet Gambling Bill.

"... This important legislation also defines gambling more specifically to include interactive games on the Internet, including poker and blackjack which are not clearly included in current law. Violations under the act are punishable by prison terms of up to five years. Gambling on the Internet has become increasingly prevalent in recent years. More than 650 Internet gambling websites operated just last year. In 1999, the total revenue associated with Internet gambling exceeded \$1.2 billion, an 80 percent increase from the previous year. It is time to stop illegal gambling on the Internet. This legislation is an important first step."

Roemer

Page E 2060

Regarding H.R. 3162, Patriot Act of 2001.

"... In response to the newly apparent need for changes in the law pertaining to criminal investigations, the House Judiciary Committee held hearings on the issue and crafted a thoughtfully designed bill to address the needs of law enforcement. The Committee's bill, H.R. 2975-- the PATRIOT Act, passed in an incredibly rare unanimous and bipartisan vote of 36-0. H.R. 2975 received widespread support among members of the House, and I was prepared to support its passage through the House. It was a comprehensive bill that would have given important new authority to law enforcement while maintaining strong protections for the liberty and freedom of all citizens. H.R. 2975 would also have retained the crucial oversight of criminal investigations and prosecutions by impartial judges charged with ensuring that law enforcement acts fairly and responsibly..."

Udall

Page E 2064

H.R. 3150 "Aviation Security Act."

Owens

Pages E 2065-6

H. Res. 264, Providing For Consideration Of H.R. 2975; To Combat Terrorism.

Udall

Page E 2067

NEW PUBLIC LAWS

H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002. Signed on November 12, 2001. (Public Law 107-67)

H.R. 2647, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002. Signed on November 12, 2001. (Public Law 107-68)

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Next SENATE MEETING: Wednesday, 10:30 a.m., November 14, 2001.
Next HOUSE MEETING: Wednesday, 10:00 a.m., November 14, 2001.

OLA: S. Schwarz (Smith)