

CONGRESSIONAL RECORD SUMMARY

Monday, March 31, 2003

SENATE

Measures Introduced:

S. 744. A bill to *amend the Employee Retirement Income Security Act of 1974* to require the Pension Benefit Guaranty Corporation to notify plan participants and beneficiaries of the commencement of proceedings to terminate such plan; to the Committee on Health, Education, Labor, and Pensions.

Bayh

Page S 4557

S. 745. *A bill to require the consent of an individual prior to the sale and marketing of such individual's personally identifiable information, and for other purposes; to the Committee on the Judiciary.*

"...This legislation would establish, for the first time, a comprehensive national system of privacy protection. It would: require companies to gain consumers' written consent prior to selling their most sensitive personal information including personal health information, financial information, Social Security numbers, and drivers' license data; and require companies to provide consumers' notice and an opportunity to refuse to allow their less sensitive personal information to be sold..."

Feinstein

Pages S 4557, S 4559-70

See Pages S 4563-4: SEC. 203. APPLICATION OF PROHIBITION OF THE DISPLAY, SALE OR PURCHASE OF SOCIAL SECURITY NUMBERS TO PUBLIC RECORDS.

(2) Conforming Amendment.--The chapter analysis for chapter 47 of title 18, United States Code (as amended by section 202(a)(2)), is amended by inserting after the item relating to section 1028A the following:

"1028B. Display, sale, or purchase of public records containing social security numbers."

(b) Study and Report on Social Security Numbers in Public Records.--

(1) Study.--The Comptroller General of the United States shall conduct a study and prepare a report on social security numbers in public records. In developing the report, the Comptroller General shall consult with the Administrative Office of the United States Courts, State and local governments that store, maintain, or disseminate public records, and other stakeholders, including members of the private sector who routinely use public records that contain social security numbers.

See Page S 4570: TITLE VI--MISCELLANEOUS

SEC. 602. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or under an amendment made by this Act, the Federal Government shall have injunctive authority with respect to any violation of any provision of title I, II, or IV of this Act or of any amendment made by such a title, without regard to whether a public or private entity violates such provision.

Measures Introduced (Cont'd.):

S. 746. A bill to prevent and respond to terrorism and crime at or through ports; to the Committee on Commerce, Science, and Transportation.

“...Specifically, the bill would: Make it a crime for terrorists to attack a port or a cruise ship or deploy a weapon of mass destruction at or through a seaport. Make it a crime to put devices in U.S. waters that can destroy a ship or cargo or interfere with safe navigation or maritime commerce. Update our federal criminal piracy and privateering laws and increase penalties. Make it a crime to use a dangerous weapon or explosive to try to kill someone on board a passenger vessel. Make it a crime to fail to heave to (that is, to slow or stop) a vessel at the direction of a Coast Guard or other authorized federal law enforcement official seeking to board that vessel or to interfere with boarding by such an officer. Make it a crime to destroy an aid to maritime navigation, such as a buoy or shoal/breakwater light, maintained by the Coast Guard if this would endanger the safe navigation of a vessel. Make it a crime for terrorists or criminals to try to attack U.S. citizens or U.S. marine life by putting poisons in the water off shore. Require the Attorney General to issue regulations making it easier to determine the extent of crime and terrorism at seaports and improve communication between different law enforcement agencies involved at ports...”

Feinstein

Pages S 4557, S 4570-7

Nomination Considered:

Senate resumed consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Pages S 4553, D 320

A fourth motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Wednesday, April 2, 2003.

Pages S 4553, D 320

Nominations Confirmed:

Senate confirmed the following nominations:

By unanimous vote of 93 yeas (Vote No. Ex. 112), Theresa Lazar Springmann, of Indiana, to be United States District Judge for the Northern District of Indiana.

Pages S 4552-3, D 320

“... Last year alone, in an election year, the Democratic-led Senate confirmed 72 judicial nominees, more than in any of the prior six years of Republican control. Not once did the Republican-controlled Committee consider that many of President Clinton's district and circuit court nominees. While Republicans point to the 377 judges confirmed under President Clinton, but they fail to mention that only 245 of them were confirmed during the 6 ½ years Republicans controlled the Senate. That amounts to only 38 confirmations per year when the Republicans last held a majority and there was a Democrat in the White House. In 1999, the Republican majority did not hold a hearing on any judicial nominee until June. Tomorrow, the Republican majority will hold its seventh hearing including a 32nd judicial nominee in the last 2 months. The Senate Judiciary Committee is acting like a runaway train, operating at breakneck speed and breaking longstanding rules and practices of the committee...” (Leahy, page S 4552)

McGregor William Scott, of California, to be United States Attorney for the Eastern District of California for the term of four years.

Linda M. Springer, of Pennsylvania, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

Pages S 4590-1, D 320

House Concurrent Resolution 95, as Passed the Senate on Wednesday, March 26, 2003.

Pages S 4579-90

See Page S 4589: SEC. 323. SENSE OF THE SENATE ON FUNDING FOR CRIMINAL JUSTICE.

Committee Meetings For Tuesday, April 1, 2003:

Committee on Appropriations: @ 10:00 a.m. Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Justice. SD-192.

Committee on Appropriations: @ 2:00 p.m. Full Committee, business meeting to mark up the fiscal year 2003 Supplemental Request. S-128, Capitol.

Committee on Finance: @ 10:00 a.m. To hold hearings to examine tax payer issues, focusing on public accountants and charitable car donations; *to be followed by hearings on the nominations of Mark Van Dyke Holmes, of New York, to be a Judge of the United States Tax Court, Diane L. Kroupa, of Minnesota, to be a Judge of the United States Tax Court, Robert Allen Wherry, Jr., of Colorado, to be a Judge of the United States Tax Court, and Harry A. Haines, of Montana, to be a Judge of the United States Tax Court.* SD-215.

Committee on the Judiciary: @ 9:00 a.m. *To hold hearings to examine the nominations of Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit, Cecilia M. Altonaga, to be United States District Judge for the Southern District of Florida, and Patricia Head Minaldi, to be United States District Judge for the Western District of Louisiana.* SD-226.

Page D 322

Remarks:

Daniel Patrick Moynihan.

Domenici

Pages S 4546-7

See Pages S 4547-51: Discussion by Senator Graham of Florida on the report from a joint House-Senate inquiry, co-chaired by Senator Graham, investigating the events of September 11, 2001. The discussion includes recommendations by the panel and a discussion of FISA (Foreign Intelligence Surveillance Act).

Program.

"...At 10 a.m., the Senate will proceed to executive session to consider the nomination of Timothy Tymkovich, to be a circuit judge for the Tenth Circuit. Under the previous order, there will be up to 6 hours for debate on the nomination. Following the use or yielding back of that time, the Senate will proceed to vote on the confirmation..."

Bennett

Pages S 4591

HOUSE

Bills Introduced:

H.R. 1508. *A bill to treat the Tuesday next after the first Monday in November in the same manner as November 11 for purposes of Federal employment, and for other purposes; to the Committee on*

Government Reform.

Convers

Page H 2514

H.R. 1509. *A bill to make clear that a person who voluntarily separates from the Federal civil service does not remain subject to the enforcement provisions of subchapter III of chapter 73 of title 5, United States Code, and for other purposes; to the Committee on Government Reform.*

Davis

Page H 2514

H.R. 1510. A bill to amend the Help America Vote Act of 2002 to require States to permit individuals to register to vote at polling places on the date of an election, to cast ballots at designated polling places prior to the date of an election, and to obtain absentee ballots for an election for any reason, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Government Reform, 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.

Hastings

Page H 2514

H.R. 1519. A bill to amend the Immigration and Nationality Act to *reauthorize the State Criminal Alien Assistance Program*; to the Committee on the Judiciary.

King

Page H 2514

H.J. Res. 44. A joint resolution *proposing an amendment to the Constitution of the United States* to provide that no person born in the United States will be a United States citizen unless a parent is a United States citizen, or is lawfully admitted for permanent residence in the United States, at the time of the birth; to the Committee on the Judiciary.

Foley

Page H 2514

H. Con. Res. 130. *Concurrent resolution expressing the sense of the Congress that neither the President, the Vice President, nor any Member of Congress, justice or judge of the United States, or political appointee in the executive branch of the Government should belong to a club that discriminates on the basis of sex or race; to the Committee on Government Reform, and in addition to the Committees on House Administration, and the Judiciary, 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.*

Maloney

Pages H 2514-15

H. Res. 167. A resolution recognizing and honoring the achievements and contributions of Native Americans to the United States and *urging the establishment and observation of a paid legal public holiday in honor of Native Americans*; to the Committee on Resources.

Baca

Page H 2515

Suspension Failed—H.R. 1463. Small Pox Vaccination Compensation Fund Act:

The House failed to agree to suspend the rules and pass H.R. 1463, to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine by 2/3 yea-and-nay vote of 184 yeas to 206 nays, Roll No. 92).

Pages H 2478-94, H 2504-5, D 321

“...The most important change we made was to bring up that disability cap from \$50,000 a year, that out-of-work cap, to the same level we provide for policemen and firemen in this country. And, Mr. Speaker,

I would say to the gentleman from California (Mr. Waxman) that this is a supplemental program, just as that program is. [] It is on top of disability benefits under Social Security; on top of the benefits available in the State Employee or Private Disability Benefits, and we still preserve the right to sue in Federal torts claim court..." (Tauzin, page H 2485)

"...However, H.R. 1463 also contains provisions related to judicial review of determinations made by the Secretary of HHS under the Act and provisions modifying existing statutes concerning the liability of the United States and remedies available under the Federal Tort Claims Act (Chapter 171 and section 1346(b) of Title 28 United States Code) for covered persons suffering injury resulting from smallpox vaccinations. These provisions are clearly within the Rule X jurisdiction of the Committee on the Judiciary. For example, Section 2 of H.R. ___ adds new provisions titled "(e) Review of Determination" that affects the role of the courts and established review procedures mandated by the Administrative Procedures Act--both within the Committee's jurisdiction. Furthermore, Section 3 of H.R. 1463 amends 42 U.S.C. Sec. 233(p) to assume liability for the government relative to a new category of acts and omissions by those acting within the scope of their duties as part of the smallpox vaccination program. Section 3 of the bill also modifies the requirements for exhaustion of remedies, statute of limitations, offsets, and exclusivity of relief available for tort claims in federal district courts arising from smallpox vaccinations administered under a declaration by the Secretary of HHS. These provisions of H.R. 1463 are also clearly within the Rule X jurisdiction of the Committee on the Judiciary..." (Sensenbrenner, page H 2492)

S. 151. Additional Conferees to Child Abduction Prevention Act:

The following additional conferees to S. 151, Child Abduction Prevention Act, were appointed from the Committee on Education and the Workforce for consideration of section 8 of the Senate bill and sections 222, 305, and 508 of the House amendments and modifications committed to conference: Representatives Hoekstra, Gingrey, and Hinojosa. And from the Committee on Transportation and Infrastructure, for consideration of section 303 and title IV of the House amendments, and modifications committed to conference: Chairman Young of Alaska and Representatives Petri and Matheson.

Pages H 2506-7, D 321-2

Committee Meeting:

Select Committee on Homeland Security: Ordered reported, as amended, **H.R. 1416**, Homeland Security Technical Corrections Act of 2003. On March 28, the Committee held a hearing on **H.R. 1416**.

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Committee Meetings For Tuesday, April 1, 2003:

Committee on Appropriations, @ 10:00 a.m. To mark up the Supplemental Appropriations for Fiscal Year 2003. 2359 Rayburn.

Committee on Government Reform, @ 1:00 p.m. Subcommittee on Civil Service and Agency Organization, oversight hearing "Compensation Reform: How Should the Federal Government Pay Its Employees?" 2247 Rayburn.

Committee on Government Reform, @ 2:00 p.m. Subcommittee on Government Efficiency and

Financial Management, oversight hearing entitled: "*Performance, Results, and Budget Decisions.*" 2154 Rayburn.

Committee on the Judiciary, @ 10:00 a.m. Subcommittee on Commercial and Administrative Law, hearing on **H.R. 49**, Internet, Tax Nondiscrimination Act. 2141 Rayburn.

Committee on the Judiciary, @ 2:00 p.m. Subcommittee on Courts, the Internet, and Intellectual Property, hearing on **H.R. 1417**, Copyright Royalty and Distribution Reform Act. 2141 Rayburn.

Committee on Transportation and Infrastructure, @ 10:00 a.m. Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on the Coast Guard's Move to the Department of Homeland Security. 2360 Rayburn.

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Remarks:

Bankruptcy Abuse Prevention And Consumer Protection Act Of 2003.

McCollum

Pages E 623-4

Clarifying The Enforcement Provisions Of The Hatch Act.

Davis

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Next SENATE MEETING: Tuesday, 9:00 a.m., April 1, 2003.

Next HOUSE MEETING: Tuesday, 10:30 a.m., April 1, 2003.

OLA: S. Schwarz, A. Getter-Santos