

## CONGRESSIONAL RECORD SUMMARY

Wednesday, November 7, 2001

### SENATE

#### Measure Passed:

**District of Columbia Appropriations Act:** By 75 yeas to 24 nays (Vote No. 331), *Senate passed 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, after taking action on the following amendments proposed thereto:

*Pages S 11505-44, D 1110*

#### Adopted:

**Landrieu/DeWine Amendment No. 2109**, making certain technical corrections.

*Pages S 11507, D 1110*

**By 51 yeas to 49 nays (Vote No. 329), Hutchison/Sessions Amendment No. 2110, to cap the allowable fees an attorney may charge when challenging special education placement in the District of Columbia.**

*Pages S 11515-29, D 1110*

*"... I also point out that our amendment will prevent an estimated \$32 million in retroactive attorney's fees from being awarded, as has been threatened by the D.C. Circuit Court. That court has ruled that should this fee cap be lifted, they will go back and actually undo the will of Congress by awarding all the billed attorney fees in excess of the caps during the last 3 years..." (Hutchison, Page S 11515)*

**By 73 yeas to 26 nays (Vote No. 330), Durbin/Boxer Amendment No. 2111, to provide for certain exceptions to the limitations on fees an attorney may charge when challenging special education placement in the District of Columbia.**

*Pages S 11529-31, D 1110*

*"... I urge all Members to think about the simple justice of this situation. Senator Hutchison says she is just declaring war on trial lawyers. Very few trial lawyers are going to take on cases involving special education. It takes a special attorney with a special dedication to make it happen. She may pick or choose some of the attorney's fees, if a particular fee is excessive, but each has to be approved by the court. If that court and that judge make a decision under the law, we have said that is the way it will apply to Texas, to Louisiana, and to the State of Illinois. But at this point in time, to take this city, the Nation's Capital, and say DC children will be denied access to special education at a time when all of the major disability groups beg us to vote against the Hutchison amendment is unfair..." (Durbin, Page S 11527)*

**Landrieu/DeWine Amendment No. 2113**, to direct the General Accounting Office to provide a report detailing the awards in judgement rendered that were in excess of the caps on the allowable fees an attorney may charge when challenging special education placement in the District of Columbia.

*Pages S 11532, D 1110*

#### Rejected:

**Allen Amendment No. 2107**, to prohibit the use of local funds to carry out needle exchange programs in the District of Columbia. (By 53 yeas to 47 nays (Vote No. 328), *Senate tabled the amendment.*)

*Pages S 11507-15, D 1110*

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Landrieu, Durbin, Reed, Inouye, DeWine, Hutchison, and Stevens.

*Pages S 11544, D 1110*

#### S. 1447. Aviation Security Bill:

*Senate disagreed to the amendment of the House to S. 1447, to improve aviation security, agreed to the House request for a conference thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Hollings, Inouye, Rockefeller, Kerry, Breaux, Dorgan, Wyden, McCain, Stevens, Burns, Lott, Hutchison, and Snowe.*

*Pages S 11510, D 1110*

**S. 1428. Intelligence Authorization Agreement:**

*A unanimous-consent agreement was reached providing for consideration of S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and certain amendments to be proposed thereto, at 10 a.m., on Thursday, November 8, 2001. Further, that the bill be advanced to third reading, the Senate then proceed to H.R. 2883 (House companion measure), **that all after the enacting clause be stricken, the text of S. 1428 as amended, if amended, be inserted in lieu thereof, that the House bill be read a third time,** passed; that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.*

*Pages S 11565, D 1110-11*

**Committee Meetings:**

**Committee on the Budget:** Committee met and began consideration of **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, but did not take final action thereon, and recessed subject to call.

*Page D 1111*

**Committee on the Judiciary:** *Committee concluded hearings on the nominations of Joe L. Heaton, to be United States District Judge for the Western District of Oklahoma, Clay D. Land, to be United States District Judge for the Middle District of Georgia, Frederick J. Martone, to be United States District Judge for the District of Arizona, Danny C. Reeves, to be United States District Judge for the Eastern District of Kentucky, Julie A. Robinson, to be United States District Judge for the District of Kansas, after the nominees testified and answered questions in their own behalf.*

*Page D 1112*

**Committee Meeting For Thursday, November 8, 2001:**

**Committee on the Judiciary:** *@ 10:00 a.m. Business meeting to consider S. 1630, to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted; S. 986, to allow media coverage of court proceedings; the nomination of Terry L. Wooten, to be United States District Judge for the District of South Carolina; and the nomination of John P. Walters, of Michigan, to be Director of National Drug Control Policy. SD-226.*

*Page D 1115*

**Committee Meetings Scheduled:**

**Committee on Governmental Affairs,** 11/13/01 @ 9:30 a.m. Investigations Subcommittee to hold hearings to examine how the Immigration and Naturalization Service processes persons arrested for illegal

entry into the U.S. outside ports of entry. SD-342.

**Committee on the Judiciary**, 11/13/01 @ 10:00 a.m. To hold hearings to examine homeland defense issues, focusing on sharing information with local law enforcement. SD-226.

**Committee on Governmental Affairs**, 11/14/01 @ 10:30 a.m. Oversight of Government Management, Restructuring and the District of Columbia Subcommittee to hold joint hearings to examine improvement processes concerning airline security. SD-342.

**Committee on Banking, Housing, and Urban Affairs**, 11/14/01 @ 2:30 p.m. International Trade and Finance Subcommittee 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.

*Page E 2032*

## HOUSE

### Bills Introduced:

**H.R. 3242.** A bill to ensure that the United States is prepared for an attack using biological or chemical weapons; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, the Judiciary, and Science, 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.

Blagojevich

*Page H 7909*

**H.R. 3243.** A bill to prohibit late-term abortions; to the Committee on Energy and Commerce.

Edwards

*Page H 7909*

**H.R. 3245.** *A bill to provide for an additional district judge for the middle district of Florida; to the Committee on the Judiciary.*

Goss

*Page H 7909*

### Report Filed:

#### **Report was filed today as follows:**

**H. Res. 279**, waiving points of order against the conference report on **H.R. 2620**, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, (House Report 107-273).

*Pages H 7908, D 1112*

### H.R. 2506. Foreign Operations Appropriations--go to Conference:

*The House disagreed with the Senate amendment to H.R. 2506*, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and agreed to a conference. Appointed as conferees: Chairman Young of Florida and Representatives Kolbe, Callahan, Knollenberg, Kingston, Lewis of California, Wicker, Bonilla, Sununu, Obey, Lowey, Pelosi, Jackson of Illinois, Kilpatrick, and Rothman.

*Pages H 7859, D 1112*

### Suspension:

**The House agreed to suspend the rules and pass the following measure that was debated on Nov. 6: Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse, Youngstown, Ohio: H.R. 852, to designate the Federal building and United States courthouse to be constructed at 10**

*East Commerce Street in Youngstown, Ohio, as the "Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse" (agreed to by a yea-and-nay vote of 410 yeas with none voting "nay," Roll No. 430).*

*Pages H 7860-1, D 1112-13*

**H.R. 2500. Commerce, Justice, State Appropriations--Motion to Instruct Conferees:**

*Representative Rohrabacher gave notice of his intent to offer a motion to instruct conferees 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, to insist on the language contained in Section 626 of the House-passed bill and Section 623 of the Senate amendment, prohibiting the use of funds in the bill by the Justice Department or the State Department to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or force labor.*

*Pages H 7894, D 1113*

**Committee Meetings:**

**Committee on the Budget:** Held a hearing on Ensuring Domestic Security: Issues and Potential Costs.

**Committee on Financial Services:** *Ordered Reported, as amended, H.R. 3210, Terrorism Risk Protection Act.*

*Page D 1113*

**Committee on the Judiciary:** Subcommittee on Crime held a hearing on **H.R. 3209**, Anti-Hoax Terrorism Act of 2001.

**Committee on Transportation and Infrastructure:** *Ordered reported the following bills: H.R. 525, amended, Preparedness Against Domestic Terrorism Act of 2001; H.R. 2841, to designate the building located at 1 Federal Plaza in New York, New York the "James L. Watson United States Court of International Trade Building;" H.R. 2972, to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse;" H.R. 3093, to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the "William L. Beatty Federal Building and United States Courthouse." The Committee also approved miscellaneous public building resolutions.*

**Committee on Ways and Means:** Ordered reported, as amended, **H.R. 2269**, Retirement Security Advice Act of 2001.

*Page D 1114*

**Joint Committee Meeting:**

*Conferees met and began 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 recessed subject to call.*

*Page D 1114*

**Committee Meetings For Thursday, November 8, 2001:**

**Committee on the Judiciary,** @ 2:00 p.m. Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on "*Intellectual Property Litigation.*" 2141 Rayburn.

**Committee on Transportation and Infrastructure,** @ 10:00 a.m. Subcommittee on Water Resources and

Environment, oversight hearing on Right-to-Know after September 11. 2167 Rayburn.

**Committee on Ways and Means, @ 10:00 a.m.** Subcommittee on Social Security and the Subcommittee on Oversight and Investigations of the Committee on Financial Services, *joint hearing on preventing the identity theft by terrorists or criminals.* 2128 Rayburn.

*Page D 1115*

**Joint Committee Meeting For Thursday, November 8, 2001:**

*Conference: @ 4:00 p.m. Meeting of conferees 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. S-128, Capitol.*

*Page D 1115*

**Remarks:**

Fortress America.

Farr

*Page H 7856*

Immigration And Immigration Reform.

Tancredo

*Pages H 7895-900*

**Court Ruling on Project Labor Agreements.**

*"...I rise to commend the United States District Court for the District of Columbia for upholding the rights of workers and preventing the President from arbitrarily unilaterally, and unfairly restricting those rights..."*

Miller

*Pages E 2026-7*

**Next SENATE MEETING: Thursday, 10:00 a.m., November 8, 2001.**

**Next HOUSE MEETING: Thursday, 10:00 a.m., November 8, 2001.**

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