

## CONGRESSIONAL RECORD SUMMARY

Tuesday, February 11, 2003

### SENATE

#### Measures Introduced:

\_\_\_\_\_ S. 341. A bill to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse;" to the Committee on Environment and Public Works.

Daschle

Pages S 2187, S 2189-90

S. 346. A bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements; to the Committee on Governmental Affairs.

Levin

Pages S 2187, S 2205-7

S. 349. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Feinstein

Pages S 2187, S 2209-10

S. 352. A bill to ensure that commercial insurers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

Leahy

Pages S 2187, S 2210-11

S. 363. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation; to the Committee on Finance.

Mikulski

Pages S 2187, S 2220-1

S. Res. 54. A resolution to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, certain Senate gift reports, and Senate and Joint Committee documents; to the Committee on Rules and Administration.

McCain

Pages S 2188, S 2224-6

#### Measures Reported:

**Report to accompany S. 151**, to amend title 18, United States Code, with respect to the sexual exploitation of children. (S. Rept. No. 108- 2)

Pages S 2186-87, D 112

#### Executive Communications:

\_\_\_\_\_ EC-1068. A communication from the Assistant Secretary Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule that amends 42.32(9)(d) of Part 22 of the Code of Federal Regulations concerning certain victims of the September 11, 2001 terrorist attacks to file for classification as special immigrants, received on January 30, 2003; to the Committee on the Judiciary.

Page S 2185

**Executive Communications (Cont.):**

**EC-1070.** A communication *from the Director, Regulations and Forms Services, Immigration and Naturalization Service, transmitting, pursuant to law, the report of a rule entitled "Release of Information Regarding Immigration and Naturalization Service Detainee in Non-Federal Facilities (RIN1115-AG67) (INS No. 2203-02)"* received on January 29, 2003; to the Committee on the Judiciary.

**EC-1080.** A communication *from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Bank Secrecy Act Regulations--Requirement that Currency Dealers and Exchanges Report Suspicious Transactions (1506-AA34)"* received on February 4, 2003; to the Committee on Banking, Housing, and Urban Affairs.

**EC-1096.** A communication *from the President of the United States, transmitting, pursuant to law, the report of the Reorganization Plan Modification for the Department of Homeland Security (DHS);* to the Committee on Governmental Affairs.

Page S 2185

**Nomination Considered:**

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

Pages S 2125-72, D 112

*"...Let's face it, too many questions in the confirmation hearings of President Bush's judicial nominees seem calculated politically to manipulate the judicial selection process and to frustrate the appointment of judges who would refuse to follow a potentially popular course when the Constitution and settled judicial precedent provide otherwise. Miguel Estrada was right not to fall into the trap of criticizing particular Supreme Court cases that he may be called upon to rely upon as a sitting Federal judge. My colleagues should be commending him for this, not proffering it as a reason to vote against his confirmation. Unfortunately, that is basically their argument, that they should vote against his confirmation because he has abided by what really are rules that have long been time honored in the Senate..." (Hatch, page S 2127)*

*"...We are faced with a nominee who has thus far refused to answer legitimate questions about what kind of a judge he would be, where he stands on the great issues of our time and of the past, what his positions are in thinking about these fundamental rights we cherish as Americans, whom he respects or admires on the judiciary already, or with whom he would compare and contrast himself. We cannot get answers to any of those questions. I don't necessarily hold Mr. Estrada responsible for that. I know a little bit about the confirmation process. Having spent some time on the other end of Pennsylvania Avenue, I know he is doing what he has been told to do. He has been told to sit there, don't say anything, don't answer the questions, dodge, duck, don't leave any record, don't let anybody pin you down, and, boy, we are just going to go right through the opening that is given to us and make up this case that will get you on the circuit court. Well, I suppose that is a strategy, but it is an unconstitutional strategy..." (Clinton, page S 2129)*

*"... Let me tell you the origin of the word 'filibuster' because that is an important word here today. It comes from the Spanish word 'filibustero,' meaning a pirating or hijacking. It is just one more obstruction that has never been used in the case of Federal judges, for either the circuit court of appeals or for the district court. That is exactly what an unprecedented filibuster of this nominee would be: A hijacking of the Senate. What it amounts to is two more simple English words: More obstruction..." (Hatch, pages S 2137-8)*

**Nomination Considered (Cont.):**

*A unanimous-consent agreement was reached providing for further consideration of the nomination at 9:30 a.m., on Wednesday, February 12, 2003.*

*Pages S 2228, D 112*

**Nominations Received:**

**Senate received the following nominations:**

*Gregory A. White, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years.*

*Pages S 2228-30, D 113*

**Committee Meetings:**

**Committee on Health, Education, Labor, and Pensions:** *Committee concluded joint hearings with the Committee on the Judiciary to examine the status of patient access to quality health care, focusing on the role of medical litigation and malpractice reform.*

**Select Committee on Intelligence:** *Committee concluded hearings to examine the current and projected national security threats to the United States.*

*Page D 114*

**Committee Meetings for Wednesday, February 12, 2003:**

---

**Committee on Armed Services:** @ 9:30 a.m. *To hold hearings to examine the current and future worldwide threats to the national security of the United States; to be followed by a closed meeting to be held in SH- 219.*

**Committee on Finance:** 9:30 a.m. *To continue hearings to examine proposals for economic growth and job creation, focusing on incentives for consumption; to be followed by hearings to examine the nominations of Joseph Robert Goeke, of Illinois, to be a Judge of the United States Tax Court, Glen L. Bower, of Illinois, to be a Judge of the United States Tax Court. SD-215.*

**Committee on the Judiciary:** @ 9:30 a.m. *To hold hearings to examine the nominations of Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Tenth Circuit, J. Daniel Breen, to be United States District Judge for the Western District of Tennessee, William H. Steele, to be United States District Judge for the Southern District of Alabama, Thomas A. Varlan, to be United States District Judge for the Eastern District of Tennessee, Timothy C. Stanceu, of Virginia, to be a Judge of the United States Court of International Trade, and Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claims. SD- 226.*

*Page D 116*

## HOUSE

### Bills Introduced:

**H.R. 669.** A bill to *amend title 18, United States Code*, to prohibit the sale or rental of adult video games to minors; to the Committee on the Judiciary.

Baca

*Page H 390*

**H.R. 676.** A bill to *provide for comprehensive health insurance coverage for all United States residents, and for other purposes*; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Resources, and Veterans' Affairs, 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.

Conyers

*Page H 390*

**H.R. 687.** A bill to *prohibit the Federal Government* from accepting a form of identification issued by a foreign government, except for a passport that is accepted for such a purpose on the date of enactment of this Act; 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.

Gallegly

*Page H 390*

**H.R. 700.** A bill to *amend the Federal Rules of Appellate Procedure to require written opinions in certain cases, and for other purposes*; to the Committee on the Judiciary.

Paul

*Page H 391*

**H.R. 703.** A bill to *provide for the use of COPS funds for State and local intelligence officers, and for other purposes*; to the Committee on the Judiciary.

Saxton

*Page H 391*

### Committee Meeting:

**Committee on Appropriations:** Met for organizational purposes. The Committee approved and Oversight Plan for the 108th Congress.

*Page D 116*

### Joint Committee Meeting:

*Conferees on Monday, February 10, met to resolve the differences between the Senate and House passed versions of H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, but did not complete action thereon, and recessed subject to call.*

*Page D 116*

### Committee Meetings for Wednesday, February 12, 2003:

**Committee on Energy and Commerce,** @ 10:00 a.m. Hearing entitled "*A Review of the Administration's Fiscal Year 2004 Health Care Priorities,*" followed by consideration of the following: further organizational business; an Oversight Plan for the 108th Congress; and **H.R. 663**, Patient Safety and Quality Improvement Act. 2123 Rayburn.

**Committee Meetings for Wednesday, February 12, 2003 (Cont.):**

**Committee on Financial Services**, @ 3:00 p.m. Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled "*Recovery and Renewal: Protecting the Capital Markets Against Terrorism Post 9/11.*" 2128 Rayburn.

**Committee on the Judiciary**, @ 10:15 a.m. To meet for organizational purposes; to consider the following: an Oversight Plan for the 108th Congress; and to mark up **H.R. 534**, Human Cloning Prohibition Act of 2003. 2141 Rayburn.

**Committee on Rules**, @ 3:00 p.m. To consider the following: **H.R. 4**, Personal Responsibility, Work, and Family Promotion Act of 2003; an Oversight Plan for the 108th Congress; and the Committee Budget Request for 108th Congress. H-313 Capitol.

**Committee on Ways and Means**, @ 10:30 a.m. Subcommittee on Select Revenue Measures, to meet for organizational purposes. 1129 Longworth.

Page D 117

**Remarks:**

Dealing With Threats To National Security.

DeFazio

Pages H 364-5

**Supporting The Nomination Of Miguel Estrada.**

Beauprez

Page H 370

Diaz-Balart

Pages H 370-1

**The Budget.**

Kingston

Pages H 381-6

**Mr. Diaz-Balart's response to Mr. Kingston's remarks above regarding the judicial nomination of Miguel Estrada:**

*"... Let us analyze those two roadblocks that are being put down by the Democrats to try to stop Miguel Estrada's confirmation. There have been 67 cases approved by the Senate of nominees to the United States Courts of Appeals who previously worked at the Department of Justice. In none of the 67 cases have the internal memoranda of those judges, when they worked for the Department of Justice like Mr. Estrada, who was an assistant solicitor general, in none of the 67 cases have the internal memoranda been made public. But in the case of Miguel Estrada, he is the only one that the Democrats are saying we want to see the internal memoranda..."*

**Next SENATE MEETING: Wednesday, 9:30 a.m., February 12, 2003.**

**Next HOUSE MEETING: Wednesday, 10:00 a.m., February 12, 2003.**

**OLA: S. Schwarz, A. Getter-Santos**