

CONGRESSIONAL RECORD SUMMARY

Wednesday, April 10, 2002

SENATE

Measure Introduced:

S. 2082. A bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays; to the Committee on the Judiciary.

“...This bill is necessary both to ensure the continued vitality of American live theater and to protect the intellectual property and artistic rights of playwrights. [] Playwrights and their voluntary peer membership organization, the Dramatists Guild, operate under the shadow of the antitrust laws, and substantially without the ability to coordinate their actions in protecting their interests. This has impeded playwrights' ability to act collectively in dealing with highly-organized and unionized groups, such as actors, directors, and choreographers, on the one hand, and the increasingly consolidated producers and investors on the other. I am proud that this legislation enables playwrights to act collectively without violating the antitrust laws. It lets them develop standard form contracts as well as provisions ensuring that certain artists' rights are respected in the production of their plays...”

Hatch

Page S 2485

S. 517 - Energy Policy Act:

Senate continued consideration of S. 517, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendments proposed thereto:

Pages S 2425-43, S 2447-51, S 2452-65, D 305

Adopted:

Bingaman Amendment No. 3102 (to Amendment No. 2917), to clarify the requirement for the use of advanced meters in federal facilities.

Pages S 2461-63, D 305

Rejected:

By 32 yeas to 67 nays (Vote No. 62), Craig Amendment No. 3047 (to Amendment No. 2917), to provide for consumer protections and electric reliability.

Pages S 2430-43, S 2447-50, D 305

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute.

Pages S 2425-43, S 2447-51, S 2452-65, D 305

Dayton/Grassley Amendment No. 3008 (to Amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Pages S 2425, D 305

Lott Amendment No. 3028 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Pages S 2425, D 306

Graham Amendment No. 3070 (to Amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Pages S 2425, D 306

Reid Modified Amendment No. 3081 (to Amendment No. 2989), in the nature of a substitute fell, when Amendment No. 2989 was withdrawn.

Pages S 2425, S 2430, D 306

S. 517 - Energy Policy Act (Cont'd.):

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Thursday, April 11, 2002.

Pages S 2505, D 306

S. 565 - Election Reform:

Senate resumed consideration of S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, and to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, taking action on the following amendments proposed thereto:

Pages S 2465-77, D 306

Adopted:

Dodd/McConnell Amendment No. 3104, to modify the requirements for voters who register by mail.

Pages S 2466-68, D 306

Dodd (for Wyden) Amendment No. 3105, to modify the requirements for individuals who register to vote by mail.

Pages S 2466-68, D 306

Dodd (for Rockefeller) Amendment No. 3106, to meet the needs of both military and civilian overseas voters by providing treatment more nearly equal to that of at-home voters.

Pages S 2466-68, D 306

McConnell (for Hatch) Amendment No. 3107, to establish the Advisory Committee on Electronic Voting and the Electoral Process, and ***to instruct the Attorney General to study the adequacy of existing electoral fraud statutes and penalties.***

Pages S 2468, D 306

McConnell (for Nickles) Amendment No. 3109, to provide for adequate technological security measures to prevent the unauthorized access of a certain computerized list.

Pages S 2471, D 306

Dodd (for Levin) Amendment No. 3110, to permit voter information contained in a written affirmation to be used to verify the eligibility of an individual to vote in an election for Federal office, rather than the provisional ballot, for the purpose of determining whether that provisional ballot should be counted as a vote in that election.

Pages S 2471-72, D 306

McConnell (for Grassley) Amendment No. 3111, to permit States to coordinate the computerized statewide voter registration list with Federal records relating to death and identity.

Pages S 2475-76, D 306

McConnell (for Smith of NH) Amendment No. 3112, to provide for a study into the broadcasting of false election information.

Pages S 2476, D 306

McConnell (for Thomas) Amendment No. 3113, to express the sense of the Senate regarding changes made to the electoral process and how such changes impact States.

Pages S 2476, D 306

S. 565 - Election Reform (Cont'd.):

Withdrawn:

Clinton Amendment No. 2906, to establish a residual ballot performance benchmark.

Pages S 2465, D 306

Dodd (for Schumer) Modified Amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Pages S 2465, D 306

Dodd (for Kennedy) Amendment No. 2916, to clarify the application of the safe harbor provisions.

Pages S 2465, D 306

Hatch Amendment No. 2935, to establish the Advisory Committee on Electronic Voting and the Electoral Process, and to instruct the Attorney General to study the adequacy of existing electoral fraud statutes and penalties.

Pages S 2465, D 306

Hatch Amendment No. 2936, to make the provisions of the Voting Rights Act of 1965 permanent.

Pages S 2465, D 306

Smith (NH) Amendment No. 2933, to prohibit the broadcast of certain false and untimely information on Federal elections.

Pages S 2465, D 306

Pending:

Roberts/McConnell Amendment No. 2907, to eliminate the administrative procedures of requiring election officials to notify voters by mail whether or not their individual vote was counted.

Pages S 2468-69, S 2472-75, D 307

Clinton Amendment No. 3108, to establish a residual ballot performance benchmark.

Pages S 2469-71, D 307

A **unanimous-consent agreement** was reached providing that the agreement of March 22 be modified to provide that all amendments remaining in order to the bill, first and any second degree, must be offered and debated during today's session; and that any votes ordered to occur with respect to these amendments be stacked to occur at a time to be determined by the two Leaders.

Pages S 2503, D 307

A **unanimous-consent-time agreement** was reached providing for further consideration of the bill at 11:30 a.m., on Thursday, April 11, 2002, with votes to occur on or in relation to the pending amendments (listed above).

Pages S 2505, D 307

Committee Meetings:

Committee on Appropriations: Committee held hearings to examine homeland security funding issues, focusing on federal funding support of state and local government security efforts.

Page D 307

Special Committee on Aging: Committee concluded hearings to examine *long-term health care*, focusing on eligibility, consumer protection and enrollment, and trends in employer and individual market policies.

Page D 308

Committee Meetings for Thursday, April 11, 2002:

Committee on Appropriations: @ 10:00 a.m. & 2:00 p.m. To hold hearings to examine Homeland Security. SH-216.

Committee on Governmental Affairs: @ 9:00 a.m. To hold hearings to examine proposed legislation that would establish a Department of National Homeland Security and a White House office to combat terrorism. SD-342.

Committee on Governmental Affairs: @ 3:00 p.m. To hold hearings to examine the nomination of Paul A. Quander, Jr., of the District of Columbia, to be Director of the District of Columbia Offender Supervision, Defender, and Courts Services Agency. SD-342.

Committee on the Judiciary: @ 10:00 a.m. *Business meeting to consider pending calendar business.* SD-226.

Committee on the Judiciary: @ 2:30 p.m. *To hold hearings on judicial nominations.* SD-226.
Page D 312

Remark:

The 100th Death Row Inmate Exoneration.

"...The National Death Penalty Moratorium Act would create a National Commission on the Death Penalty to review the fairness of the administration of the death penalty at the State and Federal levels. The bill would also suspend executions of Federal inmates and urges the States to do the same, while the commission does its work. I am pleased that Senators Levin, Wellstone, Corzine and Durbin have joined me as cosponsors of this important legislation..."

Feingold

Pages S 2478-79

HOUSE

Bills Introduced:

H.R. 4125. *A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.*

Coble

Page H 1199

H.R. 4155. A bill to amend the District of Columbia Home Rule Act to eliminate Congressional review of newly-passed District laws; to the Committee on Government Reform, and in addition to the Committee on Rules, 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.

Norton

Page H 1200

Report Filed:

Report was filed today as follows:

H. Res. 386, providing for consideration of **H.R. 3762**, *to amend title I of the Employee Retirement Income Security Act of 1974* and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income

assets, and to amend the Securities Exchange Act of 1934 to prohibit insider trades during any suspension of the ability of plan participants or beneficiaries to direct investment away from equity securities of the plan sponsor (House Report 107-396).

Pages H 1199, D 308

H.R. 3928. Digital Tech Corps Act:

The House passed H.R. 3925, to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management by voice vote.

Pages H 1163-80, D 308-9

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Government Reform as modified by the amendments recommended by the Committee on the Judiciary now printed in the bill (H. Rept. 107-379, Parts I and II) was considered as original bill for the purpose of amendment.

See Page H 1169. SEC.4 ETHICS PROVISIONS.

(b) Disclosure of Confidential Information.--Section 1905 of title 18, United States Code, is amended by inserting "or being an employee of a private sector organization who is or was assigned to an agency under chapter 37 of title 5," after "(15 U.S.C. 1311-1314),".

"... Section 208 makes it a crime for a Federal employee to take any action in their official capacity if they have a personal financial interest in the matter or if an organization in which they are serving as an employee has a financial interest in the matter..." (Manzullo, page H 1178)

Agreed To:

Tom Davis of Virginia amendment No. 1 printed in the Congressional Record of April 9 that clarifies that the training assignments are aimed at the management of complex technical projects, insures that small business concerns are represented in the training assignments, prohibits private sector participant organizations from charging employee costs to Federal contracts, and requires a report from the Office of Personnel Management on the information technology training programs available to Federal employees; and

Pages H 1170-1, D 309

Velazquez amendment No. 2 printed in the Congressional Record of April 9 that sets aside at least 20 per cent of the private sector training assignments to small businesses.

Pages H 1177-8, D 309

Rejected:

Waxman amendment No. 3 printed in the Congressional Record of April 9 that sought to prohibit any private sector executive from access to any trade secrets or any other nonpublic information which may be of commercial value to the executive's organization and establish a comprehensive training program for Federal information technology employees (rejected by a recorded vote of 204 ayes to 219 noes, Roll No. 83).

Pages H 1171-7, H 1179, D 309

H.R. 3928. Digital Tech Corps Act (Cont'd.):

Agreed to H. Res. 380, the rule that provided for consideration of the bill by voice vote.

Pages H 1162-3, D 309

Suspension Failed--H.R. 3991, Taxpayer Protection and IRS Accountability:

The House failed to suspend the rules and pass H.R. 3991, amended, to amend the Internal Revenue Code

of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service (failed to agree by a 2/3 yeas-and-nays vote of 205 yeas to 219 nays, Roll No. 85).

Pages H 1180-1, D 309

Motion to Instruct Conferees on H.R. 2646, Farm Security Act:

Agreed to the Phelps motion to instruct House conferees on H.R. 2646, an act to provide for the continuation of agricultural programs through fiscal year 2011, to agree to the provisions contained in section 1071 of the Senate amendment, relating to re-enactment of the family farmer bankruptcy provisions contained in chapter 12 of title 11, United States Code by a yeas-and-nays vote of 424 yeas to 2 nays, Roll No. 86.

Pages H 1183-8, D 309

"... But American agriculture right now has real problems. There are individuals who have filed bankruptcy. The bankruptcy courts are waiting in hopes that this will be changed into law so that they can refile and allow these farmers to refile under Chapter 12 provisions. Chapter 12 allows some of the farmers who are hard pressed, and it is mostly the smaller farmers who have been forced through government programs and low commodity prices to give up farms which have been in their family for generations. I hope my colleagues will support this instruction, because I think it is important that we move ahead with this legislation..." (Smith, page H 1187)

Service on Investigative Subcommittees:

Read a letter from the Minority Leader wherein he designated *Representatives Lewis of Georgia, Meek of Florida, and Tanner* to serve on investigative subcommittees of the Committee on Standards of Official Conduct.

Pages H 1188, D 309

Committee Meetings:

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary. The Subcommittee continued appropriation hearings.

Page D 309

Committee on Appropriations: *Subcommittee on the District of Columbia held a hearing on Public Safety/Emergency Preparedness/Courts.*

Pages D 309-10

Committee on Government Reform: *Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing on "Enhancing Border Security and Law Enforcement."*

Page D 311

Committee Meetings (Cont'd.):

Committee on the Judiciary: *Ordered reported, as amended, H.R. 3231, Immigration Reform and Accountability Act of 2001.*

Committee on Rules: Granted by voice vote, a modified closed rule on **H.R. 3762, Pension Security Act of 2002**, providing two hours of debate in the House equally divided among and controlled by the chairmen and ranking minority members of the Committees on Education and the Workforce and Ways and Means. Finally, the rule provides one motion to recommit with or without instructions.

Committee Meetings For Thursday, April 11, 2002:

Committee on Financial Services, @ 9:30 a.m. To mark up the following bills: **H.R. 3763**, Corporate and Auditing Accountability, Responsibility, and Transparency Act of 2002; and **H.R. 3764**, Securities and Exchange Commission Authorization Act of 2002. 2128 Rayburn.

Committee on Government Reform, @ 9:30 a.m. Subcommittee on Energy Policy, Natural Resources, and Regulatory Affairs, hearing on "*Paperwork Inflation--The Growing Burden on America.*" 2247 Rayburn.

Committee on Government Reform, @ 9:30 a.m. Subcommittee on Technology and Procurement, hearing on "*Making Sense of Procurement's Alphabet Soup: How Purchasing Agencies Choose Between FSS and FTS.*" 2203 Rayburn.

Committee on the Judiciary, @ 1:00 p.m. Subcommittee on the Constitution, oversight hearing on the U.S. Commission on Civil Rights. 2237 Rayburn.

Committee on the Judiciary, @ 10:00 a.m. Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on the "*U.S. Patent and Trademark Office: Operations and Fiscal Year 2003 Budget.*" 2141 Rayburn.

Remarks:

Support For International Criminal Court.

Kennedy

Pages E 477-8

Taxpayer Protection And IRS Accountability Act Of 2002.

Udall

Page E 481

Stark

Page E 481

The District Of Columbia Legislative Autonomy Act Of 2002. **(H.R. 4155)**

Norton

Pages E 486-7

The Federal Courts Improvement Act. (H.R. 4125)

"... On July 26, 2001, the Subcommittee held a hearing on H.R. 2522. Based on the testimony received and the discussion of the entire text, Representative Berman and I are introducing a new bill which contains those proposals that we believe will be most successful in improving the Federal Judicial System.

H.R. 4125 is necessary legislation for the proper functioning of our Article III U.S. Courts. It is non-partisan and non-controversial. I urge my colleagues to support the bill..."

Coble

Pages E 488-9

Next SENATE MEETING: Thursday, 10:00 a.m., April 11, 2002.

Next HOUSE MEETING: Thursday, 10:00 a.m., April 11, 2002.

OLA: S. Schwarz, A. Santos