

# Daily Digest

## HIGHLIGHTS

Senate passed S. 877, Controlling the Assault of Non-Solicited Pornography and Marketing Act (CAN SPAM Act).

## Senate

### Chamber Action

*Routine Proceedings, pages S12985–S13065*

**Measures Introduced:** Three bills and two resolutions were introduced, as follows: S. 1773–1775, S. Res. 249 and S. Con. Res. 74. **Page S13053**

#### Measures Reported:

Report to accompany S. 1293, to criminalize the sending of predatory and abusive e-mail. (S. Rept. No. 108–170) **Pages S13052–53**

#### Measures Passed:

**Controlling the Assault of Non-Solicited Pornography and Marketing Act (CAN SPAM Act):** By a unanimous vote of 97 yeas (Vote No. 404), Senate passed S. 877, to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet, after taking action on the following amendments proposed thereto: **Pages S13012–45**

#### Adopted:

Wyden/Burns Amendment No. 1891, to clarify the provision prohibiting false or misleading transmission information. **Pages S13024–26**

Subsequently, Wyden/Burns Amendment No. 1891 was modified. **Pages S13026–27**

Schumer Amendment No. 1892, to authorize the Commission to implement a nationwide “Do Not E-mail” registry. **Pages S13024, S13027**

Hatch Amendment No. 1893, to revise the criminal penalty provisions of the bill as reported. **Pages S13027–35**

Harkin Amendment No. 1895, to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996. **Pages S13037–39**

McCain (for Enzi/Santorum) Amendment No. 1894, to require warning labels on sexually explicit commercial e-mail. **Pages S13035–37, S13039–40**

McCain (for Corzine) Amendment No. 1896, to direct the FTC to develop a system for rewarding those who supply information about violations of this Act and a system for requiring ADV labeling on unsolicited commercial electronic mail. **Pages S13040–41**

**Developmental Disabilities Support:** Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Con. Res. 21, expressing the sense of the Congress that community inclusion and enhanced lives for individuals with mental retardation or other developmental disabilities is at serious risk because of the crisis in recruiting and retaining direct support professionals, which impedes the availability of a stable, quality direct support workforce, and the resolution was then agreed to, after agreeing to the following amendments proposed thereto: **Pages S13062–63**

Frist (for Bunning) Amendment No. 1897, to make a certain technical correction. **Page S13062**

Frist (for Bunning) Amendment No. 1898, to amend the preamble. **Pages S13062–63**

**Class Action Reform:** Senate continued consideration of the motion to proceed to consideration of S. 1751, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants. **Pages S12999–13008**

During consideration of this measure today, Senate also took the following action:

By 59 yeas to 39 nays (Vote No. 403), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S13008**

*Transportation/Treasury Appropriations—Agreement:* A unanimous consent agreement was reached providing that on Thursday, October 23, 2003, Senate begin consideration of H.R. 2898, making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004.

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**Nominations Confirmed:** Senate confirmed the following nomination:

Thomas M. Hardiman, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Page S13065

**Nominations Received:** Senate received the following nominations:

Neil Vincent Wake, of Arizona, to be United States District Judge for the District of Arizona.

1 Navy nomination in the rank of admiral.

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**Measures Placed on Calendar:**

Page S13049

**Petitions and Memorials:**

Pages S13049–52

**Executive Reports of Committees:**

Page S13053

**Additional Cosponsors:**

Pages S13053–55

**Statements on Introduced Bills/Resolutions:**

Pages S13055–57

**Additional Statements:**

Pages S13048–49

**Amendments Submitted:**

Pages S13057–60

**Notices of Hearings/Meetings:**

Page S13060

**Authority for Committees to Meet:**

Pages S13060–61

**Privilege of the Floor:**

Page S13061

**Record Votes:** Two record votes were taken today. (Total—404)

Pages S13008, S13044

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 8:09 p.m., until 9:30 a.m., on Thursday, October 23, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S13065.)

## Committee Meetings

(Committees not listed did not meet)

### TERRORIST FINANCING

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine counterterror initiatives in the terror finance program and organization of terror groups for funding and future U.S. responses, focusing on related provisions of the PATRIOT Act (Public Law 107–56), including fundraising methods, financial conduits, the

Islamic banking system, charities, and the role of Saudi Arabia, after receiving testimony from Richard A. Clarke, Good Harbor Consulting, LLC, Arlington, Virginia; Louise Richardson, Harvard University Radcliffe Institute for Advanced Study, Cambridge, Massachusetts; Jean-Charles Brisard, JCB Consulting International, Paris, France; and Matthew A. Levitt, Washington Institute for Near East Policy, Washington, D.C.

### THE INSURANCE INDUSTRY

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine federal involvement in the regulation of the insurance industry, including proposals for an insurance regulatory modernization action plan and an optional federal charter, improvements to State insurance regulation, and a draft of consumer principles and standards for insurance regulation, after receiving testimony from Ernst Csizar, South Carolina Department of Insurance, Columbia, on behalf of the National Association of Insurance Commissioners; Thomas Ahart, Ahart, Frinzi, and Smith Insurance, Alexandria, Virginia, on behalf of the Independent Insurance Agents and Brokers of America; Stephen E. Rahn, Lincoln National Life Insurance Company, Fort Wayne, Indiana, on behalf of the American Council of Life Insurers; Douglas Heller, Foundation for Taxpayer and Consumer Rights, Santa Monica, California; and Craig A. Berrington, American Insurance Association, and J. Robert Hunter, Consumer Federation of America, both of Washington, D.C.

### FISHERIES MANAGEMENT

*Committee on Commerce, Science, and Transportation:* Subcommittee on Oceans, Fisheries, and Coast Guard concluded an oversight hearing on fisheries, focusing on the Magnuson-Stevens Act National Standards, and the condition of New England groundfish fisheries, after receiving testimony from William Hogarth, Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce.

### ANTI-SEMITISM IN EUROPE

*Committee on Foreign Relations:* Subcommittee on European Affairs concluded a hearing to examine the scope of anti-Semitism in Europe, including selected incidents that occurred across Europe and Eurasia in 2003, international anti-prejudice programs, and anti-Americanism, after receiving testimony from Edward B. O'Donnell, Jr., Special Envoy for Holocaust Issues, Department of State; Abraham H. Foxman, Anti-Defamation League, and David Harris, American Jewish Committee, both of New York, New York; and Mark B. Levin, National Conference on Soviet Jewry, Washington, D.C.

**BUSINESS MEETING**

*Committee on Governmental Affairs:* Committee ordered favorably reported the following business items:

S. 129, to provide for reform relating to Federal employment, with an amendment in the nature of a substitute;

S. 1741, to provide a site for the National Women's History Museum in the District of Columbia;

S.1267, to amend the District of Columbia Home Rule Act to provide the District of Columbia with autonomy over its budgets, with an amendment;

S. 1522, to provide new human capital flexibility with respect to the GAO, with an amendment;

S. 1561, to preserve existing judgeships on the Superior Court of the District of Columbia;

S. 1567, to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, with an amendment in the nature a substitute;

S. 1612, to establish a technology, equipment, and information transfer within the Department of Homeland Security, with an amendment in the nature of a substitute;

S. 1683, to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees;

H.R. 1416, to make technical corrections to the Homeland Security Act of 2002, with an amendment;

H.R. 3159, to require Federal agencies to develop and implement plans to protect the security and privacy of government computer systems from the risks posed by peer-to-peer file sharing;

S. 1405, to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the "David Bybee Post Office Building";

S. 1415, to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building";

S. 1590, to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the "James E. Davis Post Office Building";

S. 1659, to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the "John G Dow Post Office Building";

S. 1671, to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr., Post Office Building";

S. 1692, to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the "Hugh Gregg Post Office Building";

S. 1718, to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the "Senator James B. Pearson Post Office Building";

S. 1746, to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building";

H.R. 1610, to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building";

H.R. 1882, to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office Building";

H.R. 1883, to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office Building".

H.R. 2075, to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building";

H.R. 2254, to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the "Bruce Woodbury Post Office Building";

H.R. 2309, to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the "Stephen Horn Post Office Building";

H.R. 2328, to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building";

H.R. 2396, to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office Building";

H.R. 2452, to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building";

H.R. 2533, to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building";

H.R. 2746, to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building";

H.R. 3011, to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the “Bob Hope Post Office Building”; and

The nominations of Dale Cabaniss, of Virginia, to be a Member of the Federal Labor Relations Authority, Jerry Stewart Byrd, Joseph Michael Francis Ryan III, Brian F. Holeman, and Craig S. Iscoe, each to be Associate Judge of the Superior Court of the District of Columbia.

#### NOMINATION

*Committee on Indian Affairs:* Committee ordered favorably reported the nomination of David Wayne Anderson, of Minnesota, to be an Assistant Secretary of the Interior for Indian Affairs.

Prior to this action, Committee concluded a hearing on the nomination of Mr. Anderson, after the nominee, who was introduced by Senator Coleman, testified and answered questions in his own behalf.

Testimony was also received on the nomination from Louis Taylor, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Hayward, Wisconsin; and Audrey Bennett, Prairie Island Indian Community, Welch, Minnesota.

#### NOMINATION

*Committee on the Judiciary:* Committee concluded a hearing on the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit, after the nominee, who was introduced by Senator Cornyn, testified and answered questions in her own behalf.

#### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

# House of Representatives

## Chamber Action

The House was not in session today. It will meet at 10 a.m. on Friday, October 24 in a pro forma session and at 12:30 p.m. on Tuesday, October 28 for morning hour debate.

## Committee Meetings

No Committee meetings were held.

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### COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 23, 2003

*(Committee meetings are open unless otherwise indicated)*

#### Senate

*Committee on Armed Services:* business meeting to consider pending military nominations, 10:30 a.m., SR-222.

*Committee on Banking, Housing, and Urban Affairs:* to resume hearings to examine proposals for improving the regulation of the Housing GSEs; and to hold a business meeting to consider the nominations of Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System, Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System, and Paul S. Atkins, of Virginia, to be a Member of the Securities and Exchange Commission, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine Boeing, 9:30 a.m., SR-253.

Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine railroad shipper

issues and S. 919, to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, 2:30 p.m., SR-253.

*Committee on Environment and Public Works:* business meeting to consider S. 994, to protect human health and the environment from the release of hazardous substances by acts of terrorism, and S.1757, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, 9:30 a.m., SD-406.

*Committee on Finance:* to hold hearings to examine company owned life insurance, 2 p.m., SD-215.

*Committee on Foreign Relations:* Subcommittee on International Operations and Terrorism, to hold hearings to examine how to achieve the necessary security improvements in a global environment relating to the post-9/11 visa reforms and new technology, 9:30 a.m., SD-419.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine federal and state role in pharmacy compounding and reconstitution, 10 a.m., SD-430.

*Committee on the Judiciary:* business meeting to consider pending calendar business, 9:30 a.m., SD-226.

*Select Committee on Intelligence:* to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

#### House

*Committee on Government Reform,* hearing entitled "Open for Business: Ensuring Employee and Customer Safety at the Former Brentwood Postal Facility," 1:30 p.m., 2154 Rayburn.

*Next Meeting of the SENATE*

9:30 a.m., Thursday, October 23

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Friday, October 24

## Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will begin consideration of H.R. 2989, Transportation/Treasury Appropriations Act.

## House Chamber

**Program for Friday:** Pro forma session.



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