



U.S. Department of Justice

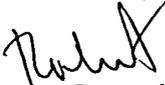
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 10, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben   
Assistant Attorney General

SUBJECT: Weekly Report for October 10, 2000 - October 13, 2000

KEY ISSUES

**House Government Reform Interview on White House E-Mail, Waco, and Other Matters:** On October 5, you were interviewed by Chairman Burton and staff from the House Government Reform Committee regarding the Department's White House e-mail investigation, Waco, Campaign Finance, and former employee Bob Bratt. This interview substituted for a hearing on the same day, to which the Committee had subpoenaed you. We are reviewing the interview transcript to determine what additional information should be provided to the Committee. The Committee has noticed another hearing for October 13 about the alleged failure of the Democratic National Committee to comply with a Committee subpoena. We have not been contacted about appearing at this hearing, which could address matters relating to communications with the DNC regarding such a subpoena.

THE WEEK AHEAD

**H.R. 3125, the Internet Gambling Prohibition Act:** The Department has been advised that this bill may be considered by the full House sometime this week under a modified rule. The bill is opposed by the Administration. (Daley)

**Telecom:** The Department continues to monitor the status of pending telecom merger legislation (S. 467 [DeWine/Kohl], H.R. 4019 [Pickering/Tauzin], S.2793 [Hollings] and H.R. 4903 [Dingell/Markey]). The Department is also monitoring the status of a provision in Commerce, Justice, State Appropriations that would establish a one year moratorium on FCC licensing of mergers involving foreign government ownership interests greater than 25 percent. None are moving at this time. H.R. 4903 was not on the House Commerce markup agenda last week, so it is probably dead because it has not passed the Full committee. No more markups are likely this Congress. S. 467 does not seem to be moving; it is unclear what the fate of the Hollings one year moratorium will be. (Walter)

**Conference Report on H.R. 3244, Victims of Trafficking and Violence Protection Act:** H.R. 1248, VAWA legislation and H.R. 3244, the Trafficking in Persons bill were put into one

big conference report on H.R. 3244 that included the following bills: VAWA, Trafficking in Persons, Internet alcohol, Aimee's Law and the Mack-Lautenberg victims of terrorism compensation. Part of the Mack-Lautenberg amendment includes provisions to help DOJ's Office of Victims of Crime better assist and compensate victims of international terrorism. The conference report was filed on October 5 and adopted by the House on October 6. We expect the Senate to pass the measure on October 11. (First, Pearlman)

**Hate Crimes:** The hate crimes provisions have been removed from the Department of Defense Authorization conference report. We anticipate that the conference report will be taken up by the House on October 10. (Scott-Finan)

**Charitable Choice Meeting with Civil Rights Groups:** On October 10, representatives of the Department will meet with representatives of the ACLU, the NAACP, and other civil rights groups to discuss concerns related to charitable choice provisions, such as federal funding of religious organizations that provide faith-based social services and exemptions of religious entities that receive federal funding from federal employment law provisions prohibiting discrimination. (Ho)

**Senate Intelligence Authorization Bill:** The bill passed the Senate by unanimous consent on October 2 without the Kyl amendment on terrorism. On October 6, we sent over suggested conference report language on the treaty fix (section 308) and on the leak statute (section 303) and understand that most of the latter is now in the report to be voted on tonight. (Walter)

**Sentencing Commission Review:** The Criminal Justice Subcommittee (Thurmond, Chair) of the Senate Judiciary Committee will hold its hearing on the U.S. Sentencing Commission and reasons for downward departures from the guidelines on October 13. Laird Kirkpatrick, of the Criminal Division, will testify on behalf of the Department. U.S. Attorney for the Western District of New York Denise O'Donnell and U.S. Attorney for the Northern District of New York Daniel French will accompany him to answer questions. (Tanner, Scott-Finan)

#### THE WEEK IN REVIEW

FOIA EXEMPTION (b)5

**Bankruptcy:** There has been little, if any, movement on the bankruptcy reform effort. With the focus of Congressional efforts on appropriations bills, there doesn't appear to be any vehicle to allow this bill to go forward.

(Wilson)

**Nominations:** On October 2, the nomination of Edward F. Reilly, Jr., to be a Commissioner of the United States Parole Commission, was sent to the Senate.

On October 3, the nomination of Melvin C. Hall, to be a United States District Judge for the Western District of Oklahoma, was sent to the Senate. And, on October 3, the nomination of James Teilborg, was confirmed to be a United States District Judge for the District of Arizona, by a roll call vote of 95-0. Following that vote, the following nominees were confirmed en bloc by voice vote: Michael Reagan, to be a United States District Judge for the Southern District of

Illinois, and Susan Ritchie Bolton and Mary Murguia, both to be United States District Judges for the District of Arizona.

Senator Tom Harkin went to the Senate floor every day last week to make a motion to discharge the nomination of Bonnie Campbell, to be a United States Circuit Judge for the Eighth Circuit, from the Judiciary Committee and asking that she be considered by the Full Senate. Each time he made the motion, there was an objection.

Andre Davis was nominated to the Fourth Circuit on October 6. (Scott-Finan)

**Vaccines:** On October 5, the House Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources (Mica, Chair) unanimously passed a committee report on the Vaccine Injury Compensation Program. DOJ worked with committee member Henry Waxman to correct various inaccuracies in this report, as well as provide a fairer view on the way DOJ and HHS run this program. (Pearlman)

**Federal Prison Industries:** On October 5, the Oversight and Investigations Subcommittee (Hoekstra, Chair) of the House Education and the Workforce Committee held a hearing on Federal Prison Industries (FPI) and the proposed military clothing production expansion. Joseph M. Aragon, Chairman of the Board of Directors of Federal Prison Industries, testified with Steve Schwalb, Bureau of Prisons Assistant Director for Industries, Education and Vocational Training, present to answer questions. Chairman Hoekstra asked for copies of the FPI Board statements and Department guidance on selling excess computer equipment to the private sector by close of business October 6. Congressman Bobby Scott told FPI that they were relying on a six-year old legal opinion which should be reviewed and updated. (Scott-Finan)

**Puerto Rico:** On October 4, the House Resources Committee (Young, Chair) held a hearing on H.R. 4751, the "Puerto Rico-United States Bilateral Pact of Non-territorial Permanent Union and Guaranteed Citizenship Act." DAAG William Treanor of OLC testified on the constitutional problems this bill raises. (Pearlman)

**Hearing on Alcohol Problems and Law Enforcement in Alaska:** On October 4, the Senate Indian Affairs Committee (Campbell, Chair) held an oversight hearing on the alcohol problems affecting Alaska, especially in Alaska Native communities, and the role of law enforcement in addressing the problems. Jacqueline Agtuca, Acting Director of the Office of Tribal Justice, testified on behalf of the Department. (Ho)

**Child Day Care Hearing:** On October 4, Michael Horowitz, Chief of Staff for the Criminal Division, testified before the House Judiciary Committee's Subcommittee on Crime (McCollum, Chair) concerning H.R. 469, a bill to provide federal criminal penalties for certain false statements made by child day care providers. (Graupensperger)

**Drugs-Baltimore:** On October 4, U.S. Attorney Lynn Battaglia and representatives of EOUSA, DEA, FBI, IGA, and OLA met with Senators Mikulski and Sarbanes, Representatives Cardin and Cummings, and Baltimore Mayor O'Malley in the Capitol to discuss the drug problem in Baltimore and the response by local and federal law enforcement. (Tanner)

**Medicare Givebacks:** On October 3, the House Committee on Ways and Means Subcommittee on Health (Thomas, Chair) approved a bill relieving health care providers of some of the payment cuts caused by the Balanced Budget Act of 1997 (by a vote of 13-0). The bill did not contain any of the provisions that the Department was concerned about. (Pearlman)

**Drug Court Review:** On October 3, the Senate Judiciary Committee's Subcommittee on Youth Violence (Sessions, Chair) held an oversight hearing on program performance of the Drug Courts. Acting Assistant Attorney General for the Office of Justice Programs Mary Lou Leary testified on behalf of the Department. (Graupensperger)

**Counterfeit Drugs:** On October 3, the House Commerce Committee's Subcommittee on Oversight and Investigations (Upton, Chair) held a hearing on counterfeit drugs. DAAG Patricia Maher of the Civil Division testified for the Department. (Owen)

**Drug Kingpin/Foreign Asset Controls:** Deputy Assistant Attorney General Thomas Perrelli testified on issues of due process and judicial review before the Judicial Review Commission on Foreign Asset Control on October 3. (Walter)

**Seaport Security Hearing:** On October 3, the Senate Commerce Committee (McCain, Chair) conducted a hearing about the report recently issued by the Interagency Commission on Crime and Security in United States Seaports, of which the Department of Justice was a member. Criminal Divisions's Assistant Attorney General James Robinson testified on behalf of the Department. (Graupensperger)

**H-1B Visas:** On October 3, the House and Senate passed S. 2045, legislation to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens. The measure was presented to the President on October 5 for signature. (First)

**Hearing about Preventing and Combating Crime:** ~~On October 2, the House Judiciary~~ Committee's Subcommittee on Crime (McCollum, Chair) held a hearing about programs and policies that have been effective in preventing and combating crime. Patrick Coleman, Deputy Director of the Bureau of Justice Assistance and John Wilson, Acting Administrator of OJJDP testified. (Graupensperger)

**DNA Legislation:** On October 2, the House passed H.R. 4640, the DNA Analysis Backlog Elimination Act of 2000. This bill would provide grants to states to reduce their backlogs of unanalyzed DNA offender samples and crime scene samples. (Graupensperger)

**Federal Prisoner Co-Pay:** On September 28, the Senate agreed to the House amendments to S. 704, which would require federal prisoners to pay at least \$1 of their health care each time they ask to see a doctor, clearing the measure for the President's signature. We are preparing an enrolled bill letter in support of this measure. (Scott-Finan)