

Senate on July 19, 2006, at 10 a.m., in open session to continue to receive testimony on military commissions in light of the Supreme Court decision in *Hamdan v. Rumsfeld*.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 19, 2006, at 10 a.m., to conduct a vote on the nomination of Mr. Frederic S. Mishkin, of New York, to be a member of the Board of Governors of the Federal Reserve System; Ms. Linda Mysliwy Conlin, of New Jersey, to be First Vice President of The Export-Import Bank; Mr. Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board; Mr. Edmund C. Moy, of Wisconsin, to be Director of the Mint; Mr. J. Joseph Grandmaison, of New Hampshire, to be a member of the Board of Directors of the Export-Import Bank; and Mr. James Lambright, of Missouri, to be President of the Export-Import Bank. Immediately following the vote, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet to conduct an Oversight Hearing on the semi-annual monetary policy report of The Federal Reserve.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 19, 2006, at 10 a.m., to conduct a hearing on "The Semiannual Monetary Policy Report to the Congress."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be allowed to meet at 10 a.m. on Wednesday, July 19, 2006, to consider S. 3661, S. Con. Res. 71, S. 3679, the National Transportation Safety Board Reauthorization Act of 2006, nominations, and the Committee print of the Maritime Administration Improvements Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I ask unanimous consent that on Wednesday, July 19, 2006, at 9 a.m., the Committee on Environment and Public Works be authorized to hold a hearing on the science and risk assessment behind the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, July 19, 2006, at 10:30 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, July 19, 2006, at 10 a.m. for a hearing titled, "DHS Purchase Cards: Credit Without Accountability."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Credit Card Interchange Fees: Antitrust Concerns?" on Wednesday, July 19, 2006, at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witnesses

Panel I: Bill Douglas, Chief Executive Officer, Douglas Distributing, Sherman, TX. Kathy Miller, Owner, The Elmore Store, Elmore, VT. Joshua R. Floum, Executive Vice President, General Counsel and Secretary, Visa U.S.A., Washington, DC. Joshua L. Peirez, Group Executive, Global Public Policy and Associate General Counsel, MasterCard Worldwide, Purchase, NY. The Hon. Timothy J. Muris, Former Chairman, Federal Trade Commission, Of Counsel, O'Melveny & Meyers, Washington, DC. W. Stephen Cannon, President and Managing Partner, Constantine Cannon, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, July 19, 2006, at 2 p.m. in the Dirksen Senate Office Building Room 226.

I. Bills

S. 2703, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 [SPECTER, LEAHY, GRASSLEY, KENNEDY, DEWINE, FEINSTEIN, BROWNBACK, DURBIN, SCHUMER, KOHL, BIDEN, FEINGOLD]

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the

Senate on July 19, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 19, 2006, at 10 a.m. The purpose of the hearing is to provide oversight on the implementation of Public Law 108-148 (the Healthy Forests Restoration Act).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, INNOVATION, AND COMPETITIVENESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Technology, Innovation, and Competitiveness be allowed to meet at 11 a.m. on Wednesday, July 19, 2006, to discuss High Performance Computing.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO APPOINT SENATE COMMITTEE TO ESCORT PRIME MINISTER OF IRAQ INTO HOUSE OF REPRESENTATIVES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Nuri al-Maliki, Prime Minister of the Republic of Iraq, into the House Chamber for a joint meeting at 11 a.m. on Wednesday, July 26.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING TECHNICAL CORRECTIONS TO VIOLENCE AGAINST WOMEN ACT AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005

Mr. MCCONNELL. I ask unanimous consent that the Senate proceed to immediate consideration of S. 3693 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3693) to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Oklahoma, I object.

Objection is heard.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to vitiate any action on the previous bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

#### COPYRIGHT ROYALTY JUDGES PROGRAM TECHNICAL CORRECTIONS ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 515, H.R. 1036.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1036) to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part intended to be stricken is shown in boldface brackets and the part intended to be inserted is shown in italic.)

H.R. 1036

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Royalty Judges Program Technical Corrections Act".

#### SEC. 2. REFERENCE.

Any reference in this Act to a provision of title 17, United States Code, refers to such provision as amended by the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108-419) and the Satellite Home Viewer Extension and Reauthorization Act of 2004 (title IX of division J of Public Law 108-447).

#### SEC. 3. AMENDMENTS TO CHAPTER 8 OF TITLE 17, UNITED STATES CODE.

Chapter 8 of title 17, United States Code, is amended as follows:

(1) Section 801(b)(1) is amended, in the matter preceding subparagraph (A), by striking "119 and 1004" and inserting "119, and 1004".

(2) Section 801 is amended by adding at the end the following:

"(f) EFFECTIVE DATE OF ACTIONS.—On and after the date of the enactment of the Copyright Royalty and Distribution Reform Act of 2004, in any case in which time limits are prescribed under this title for performance of an action with or by the Copyright Royalty Judges, and in which the last day of the prescribed period falls on a Saturday, Sunday, holiday, or other nonbusiness day within the District of Columbia or the Federal Government, the action may be taken on the next succeeding business day, and is effective as of the date when the period expired."

(3) Section 802(f)(1)(A) is amended—

(A) in clause (i), by striking "clause (ii) of this subparagraph and subparagraph (B)" and inserting "subparagraph (B) and clause (ii) of this subparagraph"; and

(B) by striking clause (ii) and inserting the following:

"(ii) One or more Copyright Royalty Judges may, or by motion to the Copyright Royalty Judges, any participant in a proceeding may, request from the Register of Copyrights an interpretation of any material questions of substantive law that relate to the construction of provisions of this title and arise in the course of the proceeding. Any request for a written interpretation shall be in writing and on the record, and reasonable provision shall be made to permit participants in the proceeding to comment on the material questions of substantive law in a manner that minimizes duplication and delay. Except as provided in subparagraph (B), the Register of Copyrights shall deliver to the Copyright Royalty Judges a written response within 14 days after the receipt of all briefs and comments from the participants. The Copyright Royalty Judges shall apply the legal interpretation embodied in the response of the Register of Copyrights if it is timely delivered, and the response shall be included in the record that accompanies the final determination. The authority under this clause shall not be construed to authorize the Register of Copyrights to provide an interpretation of questions of procedure before the Copyright Royalty Judges, the ultimate adjustments and determinations of copyright royalty rates and terms, the ultimate distribution of copyright royalties, or the acceptance or rejection of royalty claims, rate adjustment petitions, or petitions to participate in a proceeding."

(4) Section 802(f)(1)(D) is amended by inserting a comma after "undertakes to consult with".

(5) Section 803(a)(1) is amended—

(A) by striking "The Copyright" and inserting "The Copyright Royalty Judges shall act in accordance with this title, and to the extent not inconsistent with this title, in accordance with subchapter II of chapter 5 of title 5, in carrying out the purposes set forth in section 801. The Copyright"; and

(B) by inserting after "Congress, the Register of Copyrights," the following: "copyright arbitration royalty panels (to the extent those determinations are not inconsistent with a decision of the Librarian of Congress or the Register of Copyrights)."

(6) Section 803(b) is amended—

(A) in paragraph (1)(A)(i)(V)—

(i) by striking "in the case of" and inserting "the publication of notice requirement shall not apply in the case of"; and

(ii) by striking ", such notice may not be published.";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking", together with a filing fee of \$150";

(ii) in subparagraph (B), by striking "and" after the semicolon;

(iii) in subparagraph (C), by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(D) the petition to participate is accompanied by either—

"(i) in a proceeding to determine royalty rates, a filing fee of \$150; or

"(ii) in a proceeding to determine distribution of royalty fees—

"(I) a filing fee of \$150; or

"(II) a statement that the petitioner (individually or as a group) will not seek a distribution of more than \$1000, in which case the amount distributed to the petitioner shall not exceed \$1000.";

(C) in paragraph (3)(A)—

(i) by striking "(A) IN GENERAL.—Promptly" and inserting "(A) COMMENCEMENT OF PROCEEDINGS.—

"(i) RATE ADJUSTMENT PROCEEDING.—Promptly"; and

(ii) by adding at the end the following:

"(ii) DISTRIBUTION PROCEEDING.—Promptly after the date for filing of petitions to participate in a proceeding to determine the distribution of royalties, the Copyright Royalty Judges shall make available to all participants in the proceeding a list of such participants. The initiation of a voluntary negotiation period among the participants shall be set at a time determined by the Copyright Royalty Judges."

(D) in paragraph (4)(A), by striking the last sentence; and

(E) in paragraph (6)(C)—

(i) in clause (i)—

(I) in the first sentence, by inserting "and written rebuttal statements" after "written direct statements";

(II) in the first sentence, by striking "which may" and inserting "which, in the case of written direct statements, may"; and

(III) by striking "clause (iii)" and inserting "clause (iv)";

(ii) by amending clause (ii)(I) to read as follows:

"(ii)(I) Following the submission to the Copyright Royalty Judges of written direct statements and written rebuttal statements by the participants in a proceeding under paragraph (2), the Copyright Royalty Judges, after taking into consideration the views of the participants in the proceeding, shall determine a schedule for conducting and completing discovery.";

(iii) by amending clause (iv) to read as follows:

"(iv) Discovery in connection with written direct statements shall be permitted for a period of 60 days, except for discovery ordered by the Copyright Royalty Judges in connection with the resolution of motions, orders, and disputes pending at the end of such period. The Copyright Royalty Judges may order a discovery schedule in connection with written rebuttal statements."; and

(iv) by amending clause (x) to read as follows:

"(x) The Copyright Royalty Judges shall order a settlement conference among the participants in the proceeding to facilitate the presentation of offers of settlement among the participants. The settlement conference shall be held during a 21-day period following the 60-day discovery period specified in clause (iv) and shall take place outside the presence of the Copyright Royalty Judges."

(7) Section 803(c)(2)(B) is amended by striking "concerning rates and terms".

(8) Section 803(c)(4) is amended by striking ", with the approval of the Register of Copyrights,".

(9) Section 803(c)(7) is amended by striking "of Copyright" and inserting "of the Copyright".

(10) Section 803(d)(2)(C)(i)(I) is amended by striking "statements of account and any report of use" and inserting "applicable statements of account and reports of use".

(11) Section 803(d)(3) is amended by striking "If the court, pursuant to section 706 of title 5, modifies" and inserting "Section 706 of title 5 shall apply with respect to review by the court of appeals under this subsection. If the court modifies".

(12) Section 804(b)(1)(B) is amended—

(A) by striking "801(b)(3)(B) or (C)" and inserting "801(b)(2)(B) or (C)"; and

(B) in the last sentence, by striking "change is" and inserting "change in".

(13) Section 804(b)(3) is amended—

(A) in subparagraph (A), by striking "effective date" and inserting "date of enactment"; and

(B) in subparagraph (C)—

(i) in clause (ii), by striking "that is filed" and inserting "is filed"; and

(ii) in clause (iii), by striking "such subsections (b)" and inserting "subsections (b)".