

# Daily Digest

## HIGHLIGHTS

Senate passed H.R. 5011, Military Construction Appropriations.

The House passed H.R. 5121, Legislative Branch Appropriations.

## Senate

### Chamber Action

*Routine Proceedings, pages S6967–S7091*

**Measures Introduced:** Ten bills and one resolution were introduced, as follows: S. 2750–2759, and S.J. Res. 41. **Page S7033**

#### Measures Reported:

H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, with an amendment in the nature of a substitute. (S. Rept. No. 107–213)

S. Res. 293, designating the week of November 10 through November 16, 2002, as “National Veterans Awareness Week” to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. 862, to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program.

S. 2395, to prevent and punish counterfeiting and copyright piracy, with an amendment in the nature of a substitute.

S. 2513, to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence, with an amendment in the nature of a substitute. **Page S7033**

#### Measures Passed:

**Military Construction Appropriations:** By 96 yeas to 3 nays (Vote No. 181), Senate passed H.R. 5011, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003, as amended.

**Pages S6972–76**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on

the part of the Senate: Senators Feinstein, Inouye, Johnson, Landrieu, Reid, Byrd, Hutchison, Burns, Craig, DeWine, and Stevens. **Page S6976**

**Science and Technology Emergency Mobilization Act:** Senate passed S. 2037, to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National Institute of Standards and Technology, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S7081–84**

Reid (for Wyden/Allen) Amendment No. 4311, to ensure that private sector input is considered in the wireless communications capabilities policy options report required by section 6. **Pages S7081–84**

**Born-Alive Infants Protection Act:** Senate passed H.R. 2175, to protect infants who are born alive, clearing the measure for the President. **Page S7084**

**Recognizing Ignacy Jan Paderewski Accomplishments:** Committee on Foreign Relations was discharged from further consideration of S. Res. 296, recognizing the accomplishments of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist and recognizing the 10th Anniversary of the return of his remains to Poland, and the resolution was then agreed to. **Page S7084**

**Greater Access to Affordable Pharmaceuticals Act:** Senate continued consideration of S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, taking action on the following amendments proposed thereto: **Pages S6977–S7016, S7019–28**

Adopted:

By 56 yeas to 43 nays (Vote No. 182), Reid (for Stabenow) Modified Amendment No. 4305 (to

Amendment No. 4299), to clarify that section 1927 of the Social Security Act does not prohibit a State from entering into drug rebate agreements in order to make outpatient prescription drugs accessible and affordable for residents of the State who are not otherwise eligible for medical assistance under the Medicaid program. **Pages S6977–S7016**

Pending:

Reid (for Dorgan) Amendment No. 4299, to permit commercial importation of prescription drugs from Canada. **Pages S6977–7016, S7019–28**

Graham Amendment No. 4309, to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare program. **Pages S7019–28**

Hatch (for Grassley) Amendment No. 4310, to amend title XVIII of the Social Security Act to provide for a Medicare voluntary prescription drug delivery program under the Medicare program, and to modernize the Medicare program. **Pages S7019–28**

A unanimous-consent agreement was reached providing for Senators Graham and Grassley to offer amendments to the bill, and on Tuesday, July 23, at 2:15 p.m., there be 30 minutes for debate equally divided between Senators Graham and Grassley; that at 2:45 p.m., Senate vote on waiving the Budget Act with respect to Senator Graham's amendment; that following that vote, the Senate vote on waiving the Budget Act with respect to Senator Grassley's amendment; that if the Budget Act is waived for either amendment, the amendment be further debatable and amendable; and that if the Budget Act fails to be waived on either amendment, the amendment be withdrawn. Further, that when the Senate resumes consideration of Reid (for Dorgan) Amendment No. 4299 (listed above), Senator Gregg, or his designee, be recognized to offer a second degree amendment thereto, and that upon disposition of Senator Gregg's amendment, Senator Rockefeller be recognized to offer a second degree amendment to Reid (for Dorgan) Amendment No. 4299.

**Pages S7007–08**

**Nomination—Cloture Motion Filed:** A motion was entered to close further debate on the nomination of Richard H. Carmona, of Arizona, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service, Department of Health and Human Services and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, by unanimous consent, a cloture vote will occur at 10:45 a.m. on Tuesday, July 23, 2002.

**Page S7019**

#### APPOINTMENT:

*U.S. Commission on Civil Rights:* The Chair, on behalf of the President pro tempore and upon the recommendation of the Republican Leader, pursuant to Public Law 98–183, as amended by Public Law 103–419, reappointed Russell G. Redenbaugh of Pennsylvania to the United States Commission on Civil Rights. **Page S7084**

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

By a unanimous vote of 98 yeas (Vote No. Ex. 184), Richard R. Clifton, of Hawaii, to be United States Circuit Judge for the Ninth Circuit.

**Pages S7016–19, S7091**

Prior to this action, by 97 yeas to 1 nay (Vote No. 183), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the nomination of Richard R. Clifton, of Hawaii, to be United States Circuit Judge for the Ninth Circuit.

**Page S7016**

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

Roger P. Nober, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2005.

Pamela F. Olson, of Virginia, to be an Assistant Secretary of the Treasury.

S. James Otero, of California, to be United States District Judge for the Central District of California.

Robert G. Klausner, of California, to be United States District Judge for the Central District of California.

Robert A. Junell, of Texas, to be United States District Judge for the Western District of Texas.

James E. Kinkeade, of Texas, to be United States District Judge for the Northern District of Texas.

William E. Smith, of Rhode Island, to be United States District Judge for the District of Rhode Island.

1 Air Force nomination in the rank of general.

Routine lists in the Air Force, Army, Coast Guard. **Pages S7085–91**

**Messages From the House:** **Page S7033**

**Measures Placed on Calendar:** **Page S7033**

**Additional Cosponsors:** **Pages S7033–35**

**Statements on Introduced Bills/Resolutions:** **Pages S7035–48**

**Additional Statements:** **Pages S7031–32**

**Amendments Submitted:** **Pages S7048–80**

**Authority for Committees to Meet:** **Pages S7080–81**

**Privilege of the Floor:** **Page S7081**

**Record Votes:** Four record votes were taken today. (Total—184) **Pages S6976, S7016, S7019**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 8:03 p.m., until 9:30 a.m., on Friday, July 19, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S7084–85).

## Committee Meetings

(Committees not listed did not meet)

### PESTICIDE HARMONIZATION ACT

*Committee on Agriculture, Nutrition, and Forestry:* Subcommittee on Production and Price Competitiveness concluded hearings on S. 532, to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State, after receiving testimony from Senator Dorgan; Representative Pomeroy; William T. Hawks, Under Secretary of Agriculture for Marketing and Regulatory Programs; Stephen L. Johnson, Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency; North Dakota Lt. Governor Jack Dalrymple, on behalf of North Dakota Crop Protection Product Harmonization and Registration Board, and Roger Johnson, North Dakota Department of Agriculture, both of Bismarck; Barry Bushue, Oregon Farm Bureau Federation, Boring, on behalf of the American Farm Bureau Federation; and David J. Frederickson, National Farmers Union, and Jay Vroom, CropLife America, both of Washington, D.C.

### BUSINESS MEETING

*Committee on Appropriations:* Committee ordered favorably reported the following bills:

H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, with an amendment in the nature of a substitute;

An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2003;

An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2003;

An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003; and

An original resolution encouraging the Senate Committee on Appropriations to report thirteen, fis-

cally responsible, bipartisan appropriation bills to the Senate not later than July 31, 2002.

### NOMINATIONS

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded hearings on the nominations of Paul S. Atkins, of Virginia, and Harvey Jerome Goldschmid, of New York, each to be a Member of the Securities and Exchange Commission, after the nominees testified and answered questions in their own behalf. Mr. Atkins was introduced by Senators Allen and Warner.

### ENRON ENERGY MARKET MANIPULATION

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings to examine the role of Enron Energy Services, Inc. (EESI) played in manipulation of western State electricity markets, after receiving testimony from Thomas E. White, Secretary of the Army.

### NOMINATIONS

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings on the nominations of Frederick W. Gregory, of Maryland, to be Deputy Administrator of the National Aeronautics and Space Administration, and Kathie L. Olsen, of Oregon, and Richard M. Russell, of Virginia, each to be an Associate Director of the Office of Science and Technology Policy, after the nominees testified and answered questions in their own behalf. Mr. Gregory was introduced by Senator Bill Nelson, and Mr. Russell was introduced by Senator Allen.

### CORPORATE RESPONSIBILITY/CONSUMER PROTECTION

*Committee on Commerce, Science, and Transportation:* Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism concluded hearings to examine perspectives on improving corporate responsibility and consumer protection, in light of the recent corporate accounting scandals, after receiving testimony from former Senator Howard M. Metzenbaum, Consumer Federation of America, Joan Claybrook, Public Citizen, and Nell Minnow, Corporate Library, all of Washington, D.C.; and Richard H. Moore, North Carolina Department of State Treasurer, Raleigh.

### NATIONAL PARKS

*Committee on Energy and Natural Resources:* Subcommittee on National Parks concluded hearings on S. 1865, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Lower Los Angeles River and San Gabriel River watersheds in the State of California as a unit of the National Park System, S. 1943, to expand the