

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S3421–S3558*

**Measures Introduced:** Sixteen bills and four resolutions were introduced, as follows: S. 15, S. 586–600, S.J. Res. 8, S. Res. 79–80, and S. Con. Res. 18.

Pages S3504–05

#### Measures Reported:

S. 113, to exclude United States persons from the definition of “foreign power” under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism, with an amendment in the nature of a substitute.

Page S3504

#### Measure Passed:

**Printing of Collection of the Rules:** Senate agreed to S. Res. 80, to authorize the printing of a collection of the rules of the committees of the Senate.

Page S3556

**Partial-Birth Abortion Ban:** Senate continued consideration of S. 3, to prohibit the procedure commonly known as partial-birth abortion, taking action on the following amendment:

Pages S3422–29, S3454, S3456–63, S3482–94

#### Pending:

Durbin Amendment No. 259, in the nature of a substitute.

Pages S3479–82

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

By 49 yeas to 47 nays (Vote No. 45), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 207 of H. Con. Res. 68, the Concurrent Budget Resolution on the Budget for fiscal year 2000 as amended by S. Res. 304 from the 107th Congress with respect to the consideration of Murray Amendment No. 258, to improve the availability of contraceptives for women. Subsequently, a point of order that the amendment was in violation of the Congressional Budget Act was sustained, and the amendment thus fell.

Pages S3478–79

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, March 12, 2003, providing that Senator Boxer be recognized to offer a motion

to commit, that there be two hours equally divided in the usual form, that following the debate, the motion be temporarily set aside, and Senate resume consideration of the Durbin Amendment No. 259 (listed-above) for one hour of debate equally divided; that following the use or yielding back of time, Senate proceed to a vote on, or in relation to the Durbin Amendment No. 259, to be followed by a vote on, or in relation to the Boxer motion to commit, and that no amendments be in order to either the motion or amendment prior to the votes.

Page S3557

**Nomination Considered:** Senate continued consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Pages S3429–54, S3455–56

A second motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, March 13, 2003.

Pages S3455–56

**Nomination—Agreement:** A unanimous consent agreement was reached providing that when the nomination for the Assistant Secretary of the Army for Civil Works is received by the Senate, it be referred to the Committee on Armed Services, provided that when the Committee reports the nomination, it be referred to the Committee on Environment and Public Works for a period of 20 days of session; provided further that if the Committee on Environment and Public Works does not report the nomination within those 20 days, that Committee be discharged from further consideration of the nomination and the nomination be placed on the executive calendar.

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**Messages From the President:** Senate received the following messages from the President of the United States:

Transmitting, pursuant to the National Defense Authorization Act for Fiscal Year 2003, the report providing a plan for securing nuclear weapons, material, and expertise of the states of the Former Soviet Union and reports on the implementation of that plan during Fiscal Year 2002; to the Committee on Armed Services. (PM–22)

Page S3502

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

Lowell Junkins, of Iowa, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation. (Reappointment)

Glen Klippenstein, of Missouri, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Julia Bartling, of South Dakota, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Ralph Frank, of Washington, to be Ambassador to the Republic of Croatia.

William M. Bellamy, of California, to be Ambassador to the Republic of Kenya.

John W. Leslie, Jr., of Connecticut, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2007.

Mary Lucille Jordan, of Maryland, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2008. (Reappointment)

Raul David Bejarano, of California, to be United States Marshal for the Southern District of California for the term of four years.

Eduardo Aguirre, Jr., of Texas, to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security. (New Position)

Elizabeth Courtney, of Louisiana, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring January 31, 2004.

4 Army nominations in the rank of general.

8 Navy nominations in the rank of admiral.

Routine lists in the Army, Coast Guard, Marine Corps.

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**Executive Communications:** Pages S3502–04

**Additional Cosponsors:** Pages S3505–06

**Statements on Introduced Bills/Resolutions:** Pages S3506–51

**Additional Statements:** Pages S3499–S3502

**Amendments Submitted:** Pages S3551–56

**Authority for Committees to Meet:** Page S3556

**Record Vote:** One record vote was taken today. (Total—45) Pages S3478–79

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 9:02 p.m., until 9:30 a.m., on Wednesday, March 12, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3557.)

## Committee Meetings

(Committees not listed did not meet)

### MEDICARE

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine Medicare outlier payments to hospitals, focusing on the successful implementation of a new outlier policy that contains an adequate transition period, and a proposed rule issued by the Centers for Medicare and Medicaid Service that would prevent further gaming of the Medicare system by a few hospitals that obtain the majority of these outlier payments, after receiving testimony from Thomas A. Scully, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and Joseph W. Marshall, Temple University Health Care System, Philadelphia, Pennsylvania.

### 2004 BUDGET: PERSONNEL PROGRAMS

*Committee on Armed Services:* Subcommittee on Personnel concluded hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on active and reserve military and civilian personnel programs, after receiving testimony from David S.C. Chu, Under Secretary for Personnel and Readiness, William Winkenwerder, Jr., Assistant Secretary for Health Affairs, and Thomas F. Hall, Assistant Secretary for Reserve Affairs, all of the Department of Defense; Lieutenant General John M. LeMoyne, USA, Deputy Chief of Staff for Personnel, United States Army; Vice Admiral Gerald L. Hoewing, USN, Chief of Naval Personnel, United States Navy; Lieutenant General Garry L. Parks, USMC, Deputy Chief of Staff for Manpower and Reserve Affairs, United States Marine Corps; Lieutenant General Richard E. Brown, USAF, Deputy Chief of Staff for Personnel, United States Air Force; James E. Lokovic, Air Force Sergeants Association, Temple Hills, Maryland; Steven Anderson, Reserve Officers Association, Washington, D.C.; and Joseph L. Barnes, Fleet Reserve Association, Joyce W. Raezer, National Military Family Association, Inc., and Susan Schwartz, Military Officers Association of America, all of Alexandria, Virginia.

### SMALL AND RURAL COMMUNITY AIR SERVICE

*Committee on Commerce, Science, and Transportation:* Subcommittee on Aviation concluded hearings to examine the existing federal programs and new proposals to promote air service to small and rural communities, focusing on the Essential Air Service program