

Thursday, May 8, 2003

# Daily Digest

## HIGHLIGHTS

Senate agreed to the Resolution of Ratification of the NATO Expansion Treaty (Treaty Doc. 108-4).

Senate passed S. 113, Foreign Intelligence Surveillance Act.

Senate passed S. 165, Air Cargo Security Act.

House Committee ordered reported the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005.

The House passed H.R. 1261, Workforce Reinvestment and Adult Education Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S5881-S5980*

**Measures Introduced:** Eleven bills and four resolutions were introduced, as follows: S. 1024-1034, and S. Res. 134-137. **Pages S5949-50**

#### Measures Reported:

S. 1025, to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. (S. Rept. No. 108-44) **Page S5949**

#### Measures Passed:

**Foreign Intelligence Surveillance Act:** Select Committee on Intelligence was discharged from further consideration of S. 113, to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group, and by 90 yeas to 4 nays (Vote No. 146), Senate passed the bill, after agreeing to the committee amendment in the nature of a substitute, and the committee amendment to the title, and taking action on the following amendments proposed thereto: **Pages S5899-S5907, S5913-28**

#### Adopted:

Feingold Amendment No. 536, to establish additional annual reporting requirements on activities under the Foreign Intelligence Surveillance Act of 1978. **Pages S5913-14**

#### Rejected:

By 35 yeas to 59 nays (Vote No. 145), Feinstein Amendment No. 537, in the nature of a substitute. **Pages S5914-25**

**Air Cargo Security Act:** Senate passed S. 165, to improve air cargo security, after withdrawing the committee amendments, and agreeing to the following amendment proposed thereto: **Pages S5929-39**  
Hutchison (for McCain) Amendment No. 538, in the nature of a substitute. **Pages S5931-34**

**Condemning Stoning:** Senate agreed to S. Con. Res. 26, condemning the punishment of execution by stoning as a gross violation of human rights. **Page S5977**

**Authorizing Use of Capitol Grounds:** Senate agreed to H. Con. Res. 53, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby. **Page S5978**

**Authorizing Use of Capitol Grounds:** Senate agreed to H. Con. Res. 96, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service. **Page S5978**

**Printing Authority:** Senate agreed to H. Con. Res. 138, authorizing the printing of the Biographical Directory of the United States Congress, 1774-2005. **Page S5978**

**Authorizing Senate Legal Representation:** Senate agreed to S. Res. 134, to authorize representation by the Senate Legal Counsel in *Newdow v. Eagen, et al.* **Page S5978**

**Honoring James A. Johnson:** Senate agreed to S. Res. 137, honoring James A. Johnson, Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts. **Pages S5978–79**

**Energy Policy Act:** Senate resumed consideration of S. 14, to enhance the energy security of the United States, on Thursday, May 8, 2003. **Pages S5888–99**

A unanimous-consent agreement was reached providing for further consideration of the bill on Friday, May 9, 2003, following the remarks of the Majority Leader. **Page S5979**

**Reconciliation—Agreement:** A unanimous-consent agreement was reached providing that, at a time determined by the Majority Leader, after consultation with the Democratic Leader, Senate will proceed to the Senate reconciliation bill on Monday, May 12, 2003; that no more than 1 hour per side of the statutory time be consumed during Monday's session; that no amendments be in order on Monday; and that this order be vitiated if the measure is not available on Monday. **Page S5979**

**Treaty Approved:** The following treaty having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, as amended, two-thirds of the Senators present and having voted in the affirmative, the resolution of ratification was agreed to by a unanimous vote of 96 yeas (Vote No. 142): **Page S5885**

Protocols to North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia (Treaty Doc. 108–4), with 9 declarations and 3 understandings. **Pages S5885–88**

**Nomination Considered:** Senate resumed consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit. **Pages S5907–13**

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

By 54 yeas to 43 nays (Vote No. 143), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the sixth motion to close further debate on the nomination. **Pages S5912–13**

**Nomination Considered:** Senate continued consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit. **Pages S5907–13**

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

By 52 yeas to 45 nays (Vote No. 144), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the

second motion to close further debate on the nomination. **Page S5913**

### Appointments:

**Senate National Security Working Group:** The Chair announced on behalf of the Democratic Leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275, further amended by S. Res. 75 (adopted March 25, 1999), and S. Res. 383 (adopted October 27, 2000), the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 108th Congress: Senators Byrd (Democratic Administrative Co-Chairman), Levin (Democratic Co-Chairman), Biden (Democratic Co-Chairman), Kennedy, Sarbanes, Kerry, Dorgan, Durbin, and Nelson (FL). **Page S5979**

**Canada-U.S. Interparliamentary Group:** The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appointed the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 108th Congress, to be held in Canada, May 15–19, 2003: Senators Leahy and Akaka. **Page S5979**

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

John G. Roberts, Jr., of Maryland, to be United States Circuit Judge for the District of Columbia Circuit. **Page S5980**

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

Michael W. Mosman, of Oregon, to be United States District Judge for the District of Oregon.

1 Air Force nomination in the rank of general.

1 Army nomination in the rank of general.

Routine lists in the Navy. **Page S5980**

**Messages From the House:** **Pages S5945–46**

**Measures Referred:** **Page S5946**

**Measures Placed on Calendar:** **Page S5946**

**Executive Communications:** **Pages S5946–47**

**Petitions and Memorials:** **Pages S5947–49**

**Executive Reports of Committees:** **Page S5949**

**Additional Cosponsors:** **Pages S5950–51**

**Statements on Introduced Bills/Resolutions:** **Pages S5951–73**

**Additional Statements:** **Pages S5943–45**

**Amendments Submitted:** **Pages S5973–77**

**Authority for Committees to Meet:** **Page S5977**

**Privilege of the Floor:** **Page S5977**

**Record Votes:** Five record votes were taken today. (Total—146) Pages S5885, S5912–13, S5913, S5925, S5928

**Adjournment:** Senate met at 9:31 a.m., and adjourned at 6:57 p.m., until 9:30 a.m., on Friday, May 9, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5979.)

## Committee Meetings

(Committees not listed did not meet)

### APPROPRIATIONS: DEPARTMENT OF AGRICULTURE

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, and Related Agencies concluded hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Agriculture, after receiving testimony from Ann M. Veneman, Secretary of Agriculture.

### APPROPRIATIONS: DEPARTMENT OF TRANSPORTATION

*Committee on Appropriations:* Subcommittee on Transportation, Treasury, and General Government concluded hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Transportation, after receiving testimony from Norman Y. Mineta, Secretary of Transportation.

### APPROPRIATIONS: LEGISLATIVE

*Committee on Appropriations:* Subcommittee on Legislative Branch concluded hearings to examine proposed budget estimates for fiscal year 2004 for the Offices of the Secretary of the Senate and the Architect of the Capitol, after receiving testimony from Emily Reynolds, Secretary of the Senate; and Alan Hantman, Architect of the Capitol.

### AUTHORIZATION—NATIONAL DEFENSE

*Committee on Armed Services:* Committee ordered favorably reported the following bills: An original bill entitled "National Defense Authorization Act for Fiscal Year 2004"; An original bill entitled "Department of Defense Authorization Act for Fiscal Year 2004"; An original bill entitled "Military Construction Authorization Act for Fiscal Year 2004"; and An original bill entitled "Department of Energy National Security Act for Fiscal Year 2004".

Also, committee received a report from the Select Committee on Intelligence on the proposed Intelligence Authorization Act for Fiscal Year 2004.

### CLIMATE CHANGE

*Committee on Commerce, Science, and Transportation:* on May 7, 2003, Committee concluded hearings to examine the National Academy of Science's review of

the U.S. Climate Change Science Program Strategic Plan, after receiving testimony from Richard Alley, Pennsylvania State University, University Park, on behalf of the Committee on Abrupt Climate Change, The National Academies; Thomas E. Graedel, Yale University, New Haven, Connecticut; Anthony C. Janetos, H. John Heinz III Center for Science, Economics, and the Environment, Washington, D.C.; Diana M. Liverman, University of Arizona, Tucson; and Andrew Solow, Woods Hole Oceanographic Institution, Massachusetts.

### NOMINATIONS

*Committee on the Judiciary:* Committee concluded hearings to examine the nominations of Robert D. McCallum, Jr., of Georgia, to be Associate Attorney General, who was introduced by Senator Chambliss, and Peter D. Keisler, of Maryland, to be an Assistant Attorney General, both of the Department of Justice, after each nominee testified and answered questions in their own behalf.

### HYDROGEN FUEL CELL

*Committee on Commerce, Science, and Transportation:* on May 7, 2003, Subcommittee on Science, Technology, and Space concluded hearings to examine the future of the hydrogen fuel cell, focusing on the President's National Energy Policy Plan, entitled "Reliable, Affordable and Environmentally Sound Energy for America's Future", and certain related initiatives including the FreedomCAR partnership, the President's Hydrogen Fuel Initiative, and the "FutureGen" zero-emission coal-fired electricity and hydrogen power plant initiative, after receiving testimony from John H. Marburger III, Director, Office of Science and Technology Policy; David K. Garman, Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; David J. Friedman, Cambridge, Massachusetts, on behalf of the Union of Concerned Scientists; J. Byron McCormick, General Motors Corporation, Warren, Michigan; and Francis R. Preli, Jr., United Technologies Corporation Fuel Cells, South Windsor, Connecticut.

### NOMINATION

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings to examine the nomination of Annette Sandberg, of Washington, to be Administrator of the Federal Motor Carrier Safety Administration, Department of Transportation, after the nominee, who was introduced by Senators Murray and Cantwell, testified and answered questions in her own behalf.