

# Daily Digest

## HIGHLIGHTS

Senate agreed to the Conference Report on S. 1372, Export-Import Bank Reauthorization Act, clearing the measure for the President.

Senate passed H.R. 4775, Supplemental Appropriations Act.

The House passed H.R. 2143, to make the repeal of the estate tax permanent.

## Senate

### Chamber Action

*Routine Proceedings, pages S5107–S5244*

**Measures Introduced:** Seven bills and one resolution were introduced, as follows: S. 2593–2599, and S. Con. Res. 119. **Page S5205**

#### Measures Passed:

**Supplemental Appropriations Act:** By 71 yeas to 22 nays (Vote No. 145), Senate passed H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, after taking action on the following amendments proposed thereto:

**Pages S5113–29, S5132–58, S5159–95**

#### Adopted:

By 75 yeas to 19 nays (Vote No. 140), Warner Modified Amendment No. 3597, to add the American Servicemembers' Protection Act of 2002, to protect United States military personnel and other elected and appointed officials of the United States Government against potential criminal prosecution by an international tribunal court to which the United States is not a party; and to allow the United States to render assistance to international efforts to bring to justice Saddam Hussein and other foreign nationals accused of genocide, war crimes or crimes against humanity. **Pages S5138–47**

By 79 yeas to 14 nays (Vote No. 142), Frist (for Helms) Modified Amendment No. 3725, to increase the amount provided for the Child Survival and Health Programs Fund, and to impose conditions. **Pages S5160–62**

Reid (for Leahy/McConnell) Modified Amendment No. 3676, of a technical nature. **Pages S5172–73**

Reid (for Leahy/McConnell) Amendment No. 3677, of a technical nature. **Pages S5172–73**

Reid (for Leahy/McConnell) Amendment No. 3678, of a technical nature. **Pages S5172–73**

Reid (for Leahy/McConnell) Amendment No. 3679, of a technical nature. **Pages S5172–73**

Reid (for Leahy/McConnell) Modified Amendment No. 3680, of a technical nature. **Pages S5172–73**

Reid (for Leahy/McConnell) Amendment No. 3696, of a technical nature. **Pages S5172–73**

Reid (for Leahy/McConnell) Amendment No. 3697, of a technical nature. **Pages S5172–73**

Reid (for Leahy/McConnell) Amendment No. 3698, of a technical nature. **Pages S5172–73**

Reid (for Leahy/McConnell) Amendment No. 3715, of a technical nature. **Pages S5172–73**

Stevens (for Hutchison) Amendment No. 3559, to make a technical correction. **Pages S5174–77**

Stevens (for Nelson (FL)) Amendment No. 3568, to express the sense of the Senate regarding the reorganization of the Federal Bureau of Investigation to conduct counter terrorism activities. **Pages S5174–77**

Stevens (for Biden) Amendment No. 3591, to make funds available for the preservation of commercial manufacturing capability for defense grade nitrocellulose. **Pages S5174–77**

Stevens (for McConnell) Amendment No. 3593, to transfer, and merge, Economic Support Fund assistance for Israel with funds appropriated by this Act for "Nonproliferation, Anti-Terrorism, Demining and Related Programs" for activities relating to combating international terrorism. **Pages S5174–77**

Stevens (for Clinton) Amendment No. 3598, to provide that the local educational agency serving New York City distribute funds in fiscal year 2002 that are in excess of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965. **Pages S5174–77**

Stevens (for Torricelli) Amendment No. 3602, to require the Federal Aviation Administration to report to Congress on the air traffic controller staffing shortage at Newark International Airport.

**Pages S5174–77**

Stevens (for Bunning) Amendment No. 3607, to redirect previously appropriated funds for safe and reliable water services to residents in Kentucky.

**Pages S5174–77**

Stevens (for Wyden/Smith (OR)) Modified Amendment No. 3614, to provide \$500,000 to carry out a West Coast groundfish fishing capacity reduction program.

**Pages S5174–77**

Stevens (for Daschle) Amendment No. 3615, to require the Secretary of Agriculture to report to Congress on the management of the Black Hills National Forest.

**Pages S5174–77**

Stevens (for Byrd) Amendment No. 3616, to express the Sense of the Senate regarding avian influenza.

**Pages S5174–77**

Stevens (for Wellstone) Modified Amendment No. 3624, to express the sense of the Senate regarding the provision of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children.

**Pages S5174–77**

Stevens (for Kyl/Feinstein) Amendment No. 3631, to require the transfer of funds to cover an increase in pay for Border Patrol agents and immigration inspectors and to make certain requirements with respect to the Chimera system and the expenditure of information technology funds by the Immigration and Naturalization Service.

**Pages S5174–77**

Stevens (for Kyl/Feinstein) Amendment No. 3632, to make available funds for the Center for Identification Technology Research at the West Virginia University for the purpose of developing interoperability standards and an application profile for technology neutral, portable, and data independent biometrics.

**Pages S5174–77**

Stevens (for Sessions) Amendment No. 3653, to make available funds to the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries.

**Pages S5174–77**

Stevens (for McConnell) Modified Amendment No. 3656, to provide a substitute for section 503 (relating to a contract for the construction of a facility for the disposition of depleted uranium hexafluoride on the site of the gaseous diffusion plant at Paducah, Kentucky, and a similar facility on the site of the gaseous diffusion plant at Portsmouth, Ohio).

**Pages S5174–77**

Stevens (for Kohl) Amendment No. 3657, to provide for international food assistance.

**Pages S5174–77**

Stevens (for Harkin) Amendment No. 3658, to enhance support for international food assistance programs.

**Pages S5174–77**

Stevens Amendment No. 3665, concerning unemployment tax collection.

**Pages S5174–77**

Stevens Amendment No. 3666, to reallocate previously appropriated funds.

**Pages S5174–77**

Stevens Amendment No. 3667, of a technical nature.

**Pages S5174–77**

Stevens (for Kerry/Cleland) Amendment No. 3669, to provide that amounts appropriated for the National Veterans Business Development Corporation in Public Law 107–77 shall remain available until expended.

**Pages S5174–77**

Stevens (for Kohl) Amendment No. 3682, to allow the closing of certain accounts relating to the Food Safety and Inspection Service.

**Pages S5174–77**

Stevens Amendment No. 3702, concerning mail delivery in Alaska.

**Pages S5174–77**

Leahy/Feinstein Amendment No. 3716, to require a report setting forth a strategy for meeting the security needs of Afghanistan.

**Pages S5174–77**

Hutchinson Modified Amendment No. 3754, to restore funding provided for the DEA.

**Pages S5174–77**

Stevens (for Craig) Modified Amendment No. 3766, to provide a complete substitute.

**Pages S5174–77**

Reid (for Stabenow) Modified Amendment No. 3585 to provide that certain funds appropriated for the United States Customs Bureau Service be used to reimburse State and local law enforcement agencies that have provided Federal assistance to personnel along the Northern Border.

**Pages S5180–81**

Reid (for Specter) Modified Amendment No. 3596, to provide funds to the Johns Hopkins School of Medicine for activities associated with an in-home study of self-administered high frequency chest oscillation therapy for patients with chronic obstructive pulmonary disease.

**Pages S5180–81**

Reid (for Collins) Modified Amendment No. 3613, to provide for the transition of the naval base on Schoodic Peninsula, Maine, to utilization as a research and education center for Acadia National Park.

**Pages S5180–81**

Byrd/Stevens Modified Amendment No. 3627, to provide funds to repair, restore, and clean-up Corps' projects and facilities and dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore other crucial public infrastructure, document flood impacts and undertake other flood recovery efforts deemed necessary and advisable by the Army Chief of Engineers.

**Pages S5180–81**

Reid (for Byrd) Modified Amendment No. 3691, to provide an additional amount for Emergency Relief Highways. **Pages S5180–81**

Reid (for Leahy) Amendment No. 3733, to set aside funds for certain National Guard activities. **Pages S5180–81**

Reid (for Graham) Modified Amendment No. 3747, to provide funds for additional Deputy United States Marshals and associated support staff for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs. **Pages S5180–81**

Rejected:

McCain/Feingold Amendment No. 3703, to strike the amount provided for the design of a storage facility for the Smithsonian Institution. (By 67 yeas to 29 nays (Vote No. 136), Senate tabled the amendment.) **Pages S5120–23**

McCain Amendment No. 3635, to strike the amount provided for the National Defense Center of Excellence for Research in Ocean Sciences. (By 65 yeas to 31 nays (Vote No. 137), Senate tabled the amendment.) **Pages S5123–29, S5132–33**

McCain Amendment No. 3704, to strike the appropriation for Agricultural Research Service buildings and facilities. (By 72 yeas to 24 nays (Vote No. 138), Senate tabled the amendment.) **Pages S5133–37**

Dodd Modified Amendment No. 3787 (to Amendment No. 3597), to allow the United States to render assistance to international efforts to bring to justice Saddam Hussein and other foreign nationals accused of genocide, war crimes or crimes against humanity. (By 55 yeas to 40 nays (Vote No. 139), Senate tabled the amendment.) **Pages S5138–44**

Nickles Amendment No. 3588, to restore the discretion of the President to agree with Congressionally-designated emergency spending. (By 58 yeas to 36 nays (Vote No. 143), Senate tabled the amendment.) **Pages S5166–71**

Withdrawn:

Graham/DeWine Amendment No. 3569, to provide authority regarding the availability of funds for the Department of Defense for counterterrorism activities in Colombia. **Pages S5162–66**

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

By 87 yeas to 10 nays (Vote No. 135), 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 bill. **Page S5118**

The Chair sustained a point of order that Daschle Amendment No. 3764, to extend budget enforcement, was not germane post-cloture, and the amendment thus fell. **Pages S5113–20**

By 46 yeas to 49 nays (Vote No. 141), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 205 of H. Con. Res. 290, the Fiscal Year 2001 Concurrent Resolution on the Budget with respect to Durbin Amendment No. 3729, to increase the amount of supplemental appropriations for the Child Survival and Health Programs Fund. Subsequently, a point of order that the amendment was in violation of section 205 of H. Con. Res. 290, the Fiscal Year 2001 Concurrent Resolution on the Budget, since the amendment provides for an emergency designation on non-defense spending, was sustained, and the emergency designation was removed. **Pages S5147–58, S5159–60**

The Chair sustained a point of order that Durbin Amendment No. 3729, to increase the amount of supplemental appropriations for the Child Survival and Health Programs Fund, was in violation of section 302(F) of the Congressional Budget Act of 1974, since the amendment provides spending in excess of the relevant subcommittees 302(B) allocation, and the amendment thus fell. **Page S5160**

By 69 yeas to 25 nays (Vote No. 144), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 205 of H. Con. Res. 290, the Fiscal Year 2001 Concurrent Resolution on the Budget with respect to the bill (H.R. 4775). Subsequently, a point of order that the bill was in violation of section 205 of H. Con. Res. 290, the Fiscal Year 2001 Concurrent Resolution on the Budget, since the bill provides for emergency designations on non-defense spending, failed. **Page S5171**

The Chair sustained a point of order that Reid (for Reed) Amendment No. 3595, to provide funds to enhance security for public transportation operations, was not germane, and the amendment thus fell. **Pages S5178–79**

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 Byrd, Inouye, Hollings, Leahy, Harkin, Mikulski, Reid, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, Landrieu, Reed, Stevens, Cochran, Specter, Domenici, Bond, McConnell, Burns, Shelby, Gregg, Bennett, Campbell, Craig, Hutchison, and DeWine. **Page S5194**

**Export-Import Bank Reauthorization Act—Conference Report:** By unanimous-consent, Senate agreed to the conference report on S. 1372, to reauthorize the Export-Import Bank of the United States, clearing the measure for the President. **Pages S5129–33**

**Hate Crimes Bill—Agreement:** A unanimous-consent agreement was reached providing for consideration of S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, at 11 a.m., on Friday, June 7, 2002.

Page S5195

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

Transmitting, pursuant to law, the Ninth Biennial Report of the Interagency Arctic Research Policy Committee from February 1, 2000 through January 31, 2002; to the Committee on Governmental Affairs. (PM-89)

Page S5204

Transmitting, pursuant to law, the report of the Corporation for Public Broadcasting for calendar year 2001; to the Committee on Commerce, Science, and Transportation. (PM-90)

Pages S5204-05

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

3 Army nominations in the rank of general.

9 Marine Corps nominations in the rank of general.

4 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy.

Pages S5243, S5244

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

Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2004.

Alejandro Modesto Sanchez, of Florida, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2002.

Alejandro Modesto Sanchez, of Florida, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2006. (Re-appointment)

Andrew Saul, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2004.

Gordon Whiting, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2006.

Peter J. Hurtgen, of Maryland, to be Federal Mediation and Conciliation Director.

William H. Campbell, of Maryland, to be an Assistant Secretary of Veterans Affairs (Management).

Page S5244

**Messages From the House:**

Page S5205

**Measures Referred:**

Page S5205

**Measures Read First Time:**

Page S5205

**Additional Cosponsors:**

Pages S5205-07

**Statements on Introduced Bills/Resolutions:**

Pages S5207-14

**Additional Statements:**

Pages S5201-04

**Amendments Submitted:**

Pages S5214-42

**Authority for Committees to Meet:** Pages S5242-43

**Privilege of the Floor:**

Page S4243

**Record Votes:** Eleven record votes were taken today. (Total—145)

Pages S5118, S5122-23, S5132-33, S5137, S5144, S5147  
S5160, S5162, S5171, S5194

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 12:42 a.m., on Friday, June 7, 2002, until 11 a.m., on the same day. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5244).

## Committee Meetings

(Committees not listed did not meet)

### APPROPRIATIONS—FOREST SERVICE

*Committee on Appropriations:* Subcommittee on Interior concluded hearings on proposed budget estimates for fiscal year 2003 for the Forest Service, after receiving testimony from Dale N. Bosworth, Chief, and Hank Kashdan, Director, Program Development and Budget, both of the Forest Service, Department of Agriculture.

### APPROPRIATIONS—LABOR

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education concluded hearings on proposed budget estimates for fiscal year 2003 for the Department of Labor, after receiving testimony from Elaine L. Chao, Secretary of Labor.

### TRIBAL COMMUNITY CAPITAL INVESTMENT

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Financial Institutions concluded oversight hearings to examine capital investments in tribal communities, focusing on expanding tribal land home ownership, overcoming barriers to capital access on tribal lands, and related findings of the Native American Lending Study, after receiving testimony from Rodger J. Boyd, Special Assistant to the Director of the Community Development Financial Institutions Fund, Department of the Treasury; Franklin D. Raines, Fannie Mae, Washington, D.C.; J.D. Colbert, North American Native Bankers Association, Alexandria, Virginia; William V. Fischer, American State Bank, of Pierre, Pierre, South Dakota; Michael B. Jandreau, Lower Brule Sioux Tribe,