

# Daily Digest

## HIGHLIGHTS

Senate agreed to S. 812, Greater Access to Affordable Pharmaceuticals Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S7617–S7766*

**Measures Introduced:** Seven bills and three resolutions were introduced, as follows: S. 2827–2833, and S. Res. 312–314. **Page S7744**

#### Measures Reported:

S. 2132, to amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans Health Administration, to provide for the enhancement of the medical research activities of the Department of Veterans Affairs, with an amendment in the nature of a substitute. (S. Rept. No. 107–229)

S. 2734, to provide emergency assistance to non-farm small business concerns that have suffered economic harm from the devastating effects of drought, with an amendment in the nature of a substitute. (S. Rept. No. 107–230)

H.R. 486, for the relief of Barbara Makuch.

H.R. 487, for the relief of Eugene Makuch.

H.R. 3892, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, with an amendment in the nature of a substitute.

S. 2713, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures. **Page S7742**

#### Measures Passed:

*Greater Access to Affordable Pharmaceuticals Act:* By 78 yeas to 21 nays (Vote No. 201), Senate passed S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, after agreeing to the following amendment proposed thereto: **Pages S7618–51**

Reid (for Dorgan) Amendment No. 4299, to permit commercial importation of prescription drugs from Canada, as amended. (By unanimous consent,

the pending cloture motion on the amendment was withdrawn.) **Pages S7618–33**

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

By 49 yeas to 50 nays (Vote No. 199), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to approve the motion to waive the Congressional Budget Act of 1974 with respect to Graham Amendment No. 4345 (to Amendment No. 4299), to amend title XVIII of the Social Security Act to provide protection for all Medicare beneficiaries against the cost of prescription drugs. Subsequently, the point of order that the amendment violates section 302(f) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell. **Pages S7618–33**

By 66 yeas to 33 nays (Vote No. 200), 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. **Pages S7633–34**

**Department of Defense Appropriations Act:** Senate began consideration of H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, taking action on the following amendments proposed thereto:

**Pages S7656–S7705, S7709–28**

#### Adopted:

Inouye (for Allen) Amendment No. 4373, to make available from amounts available for the Air Force for research, development, test, and evaluation \$5,000,000 for the Variable Flow Ducted Rocket propulsion system (PE063216F). **Pages S7687–88**

Inouye (for Breaux) Amendment No. 4374, to set aside funding under RDT&E, Navy, for the Human Resource Enterprise Strategy at the Space and Naval Warfare Information Technology Center.

**Pages S7687–88**

Inouye (for Bennett) Amendment No. 4375, to set aside from amounts available from H.R. 4775 to settle the taking of property adjacent to the Army Tooele Depot, Utah. **Pages S7687-88**

Inouye (for Cleland) Amendment No. 4376, to make available from amounts available for Defense-Wide research, development, test, and evaluation, \$3,000,000 for execution of the ferrite diminishing manufacturing program by the Defense Micro-Electronics Activity. **Pages S7687-88**

Inouye (for Collins) Amendment No. 4377, to set aside from amounts available for the Navy for research, development, test, and evaluation, \$2,000,000 for Structural Reliability of FRP Composites (PE0602123N). **Pages S7687-88**

Inouye (for Conrad) Amendment No. 4378, to set aside from amounts available for the Army for research, development, test, and evaluation, \$5,000,000 for the Medical Vanguard Project to expand the clinical trial of the Internet-based diabetes managements system under that project. **Pages S7687-88**

Inouye (for Dayton) Amendment No. 4379, to make available from amounts available for the Army for operation and maintenance, \$3,700,000 for Live Fire Range Upgrades. **Pages S7687-88**

Inouye (for DeWine) Amendment No. 4380, to set aside funding under RDT&E, Army, for materials joining for Army weapon systems. **Pages S7687-88**

Inouye (for Ensign) Amendment No. 4381, to make available from amounts available to the Army for other procurement \$500,000 for PRC-117F SATCOM backpack radios. **Pages S7687-88**

Inouye (for Frist/Thompson) Amendment No. 4382, to make available from amounts available to the Army, up to \$5,000,000 may be used for Expandable Light Air Mobility Shelters (ELAMS). **Pages S7687-88**

Inouye (for Kyl) Amendment No. 4383, to set aside from amounts available for the Navy for research, development, test, and evaluation for Extended Range Anti-Air Warfare. **Pages S7687-88**

Inouye (for Santorum/Specter) Amendment No. 4384, to set aside from amounts available for the Army Reserve for operation and maintenance \$3,000,000 for Land Forces Readiness for Information Operations Sustainment. **Pages S7687-88**

Inouye (for Santorum/Specter) Amendment No. 4385, to set aside from amounts available for the Air Force for research, development, test, and evaluation \$1,000,000 for Space and Missile Operations for the Civil Reserve Space Service (CRSS) initiative. **Pages S7687-88**

Inouye (for Voinovich/DeWine) Amendment No. 4386, to set aside funding under RDT&E, Air Force,

for the Viable Combat Avionics Initiative of the Air Force. **Pages S7687-88**

Inouye (for Bingaman) Amendment No. 4400, to set aside from amounts available for the Air Force for research, development, test, and evaluation for Major T&E Investment (PE0604759F), \$2,500,000 for the Maglev upgrade program. **Pages S7688-89**

Inouye (for Dorgan) Amendment No. 4401, to provide funds for the Chameleon Miniaturized Wireless System. **Pages S7688-89**

Inouye (for Murray) Amendment No. 4402, to make available from amounts available for the Army for research, development, test, and evaluation, \$9,000,000 for continuing design and fabrication of the industrial short pulse laser development-femtosecond laser. **Pages S7688-89**

Inouye (for Reid) Amendment No. 4403, to make available from amounts available to the Navy for research, development, test, and evaluation \$4,000,000 for Marine Corps program wide support (PE0605873M) for chemical and biological consequence management for continuing biological and chemical decontamination technology research for the United States Marine Corps Systems Command on a biological decontamination technology that uses electro-chemically activated solution (ECASOL). **Pages S7688-89**

Stevens (for Warner) Amendment No. 4404, to require a preliminary engineering study and environmental analysis of establishing a connector road between United States Route 1 and Telegraph Road in the vicinity of Fort Belvoir, Virginia, and to earmark \$5,000,000 for the Army for operation and maintenance for that preliminary study and analysis. **Pages S7688-89**

Inouye (for Dodd) Amendment No. 4405, to make available from amounts available for the Army for research, development, test, and evaluation \$5,000,000 for research on miniature and micro fuel cell systems. **Pages S7688-89**

Stevens (for Nickles) Amendment No. 4406, to make available from amounts available for research, development, test, and evaluation, defense-wide \$3,000,000 for the Supercritical Water Systems Explosives Demilitarization Technology. **Pages S7688-89**

Stevens (for Roberts) Amendment No. 4407, to appropriate, with an offset, \$1,000,000 for research, analysis, and assessment of federal, state, and local efforts to counter potential agroterrorist attacks. **Pages S7688-89**

Inouye Amendment No. 4408, to make a technical correction to the supplemental appropriation for fiscal year 2002 (H.R. 4775). **Pages S7688-89**

Stevens (for Collins) Amendment No. 4409, 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 S7688–89**

Inouye (for Carper) Amendment No. 4410, to make available from amounts available for the Navy for research, development, test, and evaluation \$8,000,000 for the Integrated Biological Warfare Technology Platform. **Pages S7688–89**

Inouye (for Biden) Amendment No. 4411, to make available from amounts available for the Army for research, development, test, and evaluation \$5,000,000 for the Rotary, Multi-Fuel, Auxiliary Power Unit. **Pages S7688–89**

Reid (for Wellstone) Amendment No. 4412 (to Amendment No. 4364), of a perfecting nature. **Pages S7690–S7700**

Subsequently, the adoption of the amendment was vitiated and the amendment was withdrawn. **Page S7700**

Wellstone Amendment No. 4364, to prohibit the use of funds made available in this Act for payment on any new contract to any corporate expatriate. **Pages S7686–87, S7689–S7700**

Inouye (for Akaka) Amendment No. 4422, to set aside \$6,000,000 of operation and maintenance, Navy, funds for Servicewide Communications for the Critical Infrastructure Protection Program. **Pages S7700–02**

Inouye (for Clinton) Amendment No. 4423, to make available from amounts available for the Air Force for operation and maintenance \$500,000 for a contribution to the renovation of Hangar Building 101 at former Griffiss Air Force Base, New York, in order to facilitate the reuse of the building for economic development purposes. **Pages S7700–02**

Stevens (for Inhofe) Amendment No. 4424, to make available from amounts available for Defense-Wide research, development, test, and evaluation \$8,000,000 for the Maintainers Remote Logistics Network. **Pages S7700–02**

Inouye (for Feinstein) Amendment No. 4425, to make available from amounts available for the Navy for research, development, test, and evaluation \$5,000,000 for the Integrated Chemical Biological Warfare Agent Detector Chip. **Pages S7700–02**

Stevens (for Hutchison) Amendment No. 4426, to make available from amounts available for Air Force research and development \$1,000,000 for research on nanoenergetic materials. **Pages S7700–02**

Stevens (for Thompson/Frist) Amendment No. 4427, to make available from amounts available for the Army National Guard for operation and maintenance \$2,000,000 for the Communicator emergency notification system. **Pages S7700–02**

Inouye (for Landrieu) Amendment No. 4428, to authorize a grant of \$5,000,000 to the National D-Day Museum. **Pages S7700–02**

Inouye (for Nelson (FL)) Amendment No. 4429, to make available from amounts available for the Navy for research, development, test, and evaluation \$6,000,000 for the Center for Advanced Power Systems. **Pages S7700–02**

Stevens (for Bunning) Amendment No. 4430, to allow the Department of Defense to obligate funds to secure its sensitive and classified materials to further enhance the national security of the United States. **Pages S7700–02**

Inouye (for Kennedy) Amendment No. 4431, to make available from the National Defense Sealift Fund \$10,000,000 for implementing the recommendations resulting from the Navy's Non-Self Deployable Watercraft (NDSW) Study and the Joint Chiefs of Staff Focused Logistics Study to determine the requirements of the Navy for providing lift support for mine warfare ships and other vessels. **Pages S7700–02**

Inouye (for Carnahan) Amendment No. 4432, to set aside from amounts available for the Air National Guard for operation and maintenance \$350,000 for medical equipment. **Pages S7700–02**

Stevens (for Smith (OR)) Amendment No. 4433, to make available from amounts available for the Navy for research, development, test, and evaluation \$8,000,000 for the Sealion Technology Demonstration program. **Pages S7700–02**

Stevens (for Craig) Amendment No. 4434, to provide for standardized digitizing, conversion, indexing, and formatting of captured foreign documentary materials. **Pages S7700–02**

Stevens (for Grassley) Amendment No. 4388, to provide for the designation of a Medal of Honor Flag and for presentation of that flag to recipients of the Medal of Honor. **Pages S7700–02**

Lugar Amendment No. 4435, to authorize the waiver of the prohibition on the use of Cooperative Threat Reduction funds for chemical weapons destruction. **Pages S7702–05**

McCain Amendment No. 4443, to remove the waiting period in the limitation on use of funds for conversion of the 939th Combat Search and Rescue Wing. **Page S7705**

McCain Amendment No. 4444, to prohibit the use of funds for leasing of transport/VIP aircraft under any contract not entered into pursuant to full and open competition. **Page S7709**

Wellstone Amendment No. 4447, to set aside Defense-wide operation and maintenance funds for review and mitigation of domestic violence involving Department of Defense personnel. **Pages S7718–19**

Byrd/Grassley Amendment No. 4448, to provide certain requirements and limitations regarding the use of government purchase charge cards and government travel charge cards by Department of Defense personnel. **Pages S7719–21**

Stevens (for Nickles) Amendment No. 4454, to make available from amounts available for the Air Force operations and maintenance \$2,000,000 for the Aircraft Repair Enhancement Program at the Oklahoma City Air Logistics Center. **Page S8821**

Inouye (for Miller) Amendment No. 4455, to make available from amounts available for the Navy for research, development, test, and evaluation, \$1,300,000 for Trouble Reports Information Data Warehouse. **Pages S7721–22**

Stevens (for Snowe) Amendment No. 4456, to set aside Navy operation and maintenance funds for the Navy Pilot Human Resources Call Center, Cutler, Maine. **Pages S7721–22**

Inouye (for Nelson (FL)/Graham) Amendment No. 4457, to make available from amounts available for Defense-Wide research, development, test, and evaluation \$2,170,000 for the Nanophotonic Systems Fabrication Facility. **Pages S7721–22**

Stevens (for Snowe/Sessions) Amendment No. 4458, to make available for Defense-Wide research, development, test, and evaluation \$5,000,000 for small kill vehicle technology development (PE0603175C) for mid-course phase ballistic missile defense. **Pages S7721–22**

Stevens (for Warner) Amendment No. 4459, to make available \$10,000,000 for the Common Affordable Radar Processing program under Title IV, Research, Development, Test and Evaluation. **Pages S7721–22**

Inouye (for Boxer) Amendment No. 4460, to provide additional resources to the Family Advocacy Program at the Department of Defense. **Pages S7721–22**

Inouye (for Torricelli/Corzine) Amendment No. 4461, to make available from amounts available for the Navy for operation and maintenance \$2,500,000 for the disposal of materials dredged from Reach A at Earle Naval Weapons Station, New Jersey. **Pages S7721–22**

Stevens Amendment No. 4462, to provide that the Commander in Chief of the U.S. European Command shall submit a plan to the congressional defense committees that provides for the refurbishment and re-engining of the NATO AWACS aircraft fleet. **Pages S7721–22**

Inouye (for Hollings) Amendment No. 4463, to require the transfer of administrative jurisdiction over the portion of former Charleston Naval Base, South Carolina, comprising a law enforcement training facility of the Department of Justice. **Page S7722**

Inouye (for Harkin) Amendment No. 4464, to make available from amounts available for the Defense Health Program for the Uniformed Services University of the Health Sciences Center (USUHS) \$2,000,000 for Complementary and Alternative Medicine Research for Military Operations and Healthcare (MILCAM). **Page S7722**

Stevens (for Allard) Amendment No. 4465, to set aside up to \$30,000,000 for the acquisition of commercial imagery, imagery products, and service from United States commercial sources of satellite-based remote sensing entities. **Page S7722**

Inouye (for Hutchinson) Amendment No. 4466, to set aside \$9,000,000 for RDT&E, Defense-wide, for a Department of Defense facility for the production of vaccines for protecting members of the Armed Forces against the effect of use of biological warfare agents. **Pages S7722–23**

Pending:

McCain Amendment No. 4445, to require authorization of appropriations, as well as appropriations, for leasing of transport/VIP aircraft. **Page S7709–17, S7726**

Motion to table McCain Amendment No. 4445, listed above. **Page S7726**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 2 p.m., on Thursday, August 1, 2002; that there be 50 minutes remaining for debate; that the only first degree amendments in order be McCain Amendment No. 4445, listed above, and the committee reported substitute; that there be 10 minutes of debate with respect to the McCain amendment, followed by a vote in relation to the amendment; that if the McCain amendment is not tabled, then relevant second degree amendments would be in order to the McCain amendment; that upon disposition of the McCain amendment, the Committee-reported substitute as amended, be agreed to, the bill then be read a third time, and the Senate then vote on passage of the bill; that the Senate insist on its amendment, request a conference with the House thereon, and the Chair be authorized to appoint conferees on the part of the Senate. **Page S7726**

**Homeland Security Act:** Senate began consideration of the motion to proceed to consideration of H.R. 5005, to establish the Department of Homeland Security. **Page S7766**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote may occur on Friday, August 2, 2002. **Page S7766**

Subsequently, the motion to proceed was withdrawn. **Page S7766**

**Executive Reports of Committees:** Senate received the following executive report of a committee:

Report to accompany Treaty With Niue On Delimitation Of A Maritime Boundary (Treaty Doc. 105-53) (Ex. Rept. 107-5) **Pages S7763-64**

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following protocol:

Protocol to Amend Convention for Unification of Certain Rules Relating to International Carriage by Air (Treaty Doc. No. 107-14).

The protocol was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S7766**

**Andean Trade Promotion and Drug Eradication Act Agreement Conference Report:** A unanimous-consent-time agreement was reached providing for further consideration of the conference report on H.R. 3009, to extend the Andean Trade Preference Act, and to grant additional trade benefits under that Act, at 9:30 a.m., on Thursday, August 1, 2002, and that at 10:30 a.m., the Senate vote on the motion to close further debate on the conference report. **Page S7705**

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

By 64 yeas 35 nays (Vote No. 202), D. Brooks Smith, of Pennsylvania, to be United States Circuit Judge for the Third Circuit. **Pages S7651-56, S7706-08**

Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1990.

Donald L. Kohn, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2002.

3 Air Force nominations in the rank of general.

8 Army nominations in the rank of general.

10 Marine Corps nominations in the rank of general.

10 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy. **Pages S7706-08**

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

Nancy P. Jacklin, of New York, to be United States Executive Director of the International Monetary Fund for a term of two years.

D. Jeffrey Hirschberg, of Wisconsin, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2004.

1 Army nomination in the rank of general.

Routine lists in the Air Force, Army, Navy.

**Pages S7705-06**

**Executive Communications:** **Pages S7740-42**

**Executive Reports of Committees:** **Pages S7742-44**

**Additional Cosponsors:** **Pages S7744-45**

**Statements on Introduced Bills/Resolutions:** **Pages S7745-48**

**Additional Statements:** **Pages S7735-40**

**Amendments Submitted:** **Pages S7748-61**

**Notices of Hearings/Meetings:** **Page S7761**

**Authority for Committees to Meet:** **Pages S7761-62**

**Privilege of the Floor:** **Pages S7762-63**

**Record Votes:** Four record votes were taken today. (Total—202) **Pages S7633, S7634, S7651, S7656**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 8:27 p.m., until 9:30 a.m., on Thursday, August 1, 2002.

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS

*Committee on Armed Services:* Committee ordered favorably reported the nominations of Vinicio E. Madrigal, of Louisiana, L.D. Britt, of Virginia, Linda J. Stierle, of Maryland, and William C. De La Pena, of California, each to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences; John Edward Mansfield, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board; Lt. Gen. James T. Hill, for appointment in the United States Army to the grade of General while assigned to a position of importance and responsibility under title 10, U.S.C., section 601; Vice Adm. Edmund P. Giambastiani Jr., for appointment in the United States Navy to the grade of Admiral while assigned to a position of importance and responsibility under title 10, U.S.C., section 601; and 4,694 nominations in the Army, Navy, Marine Corps, and Air Force.

### OPERATION ENDURING FREEDOM

*Committee on Armed Services:* Committee concluded open and closed hearings to examine the status of Operation Enduring Freedom in Afghanistan, after receiving testimony from Donald H. Rumsfeld, Secretary of Defense; and Gen. Tommy R. Franks, USA, Commander in Chief, United States Central Command.