

**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.

**NOMINATIONS**

*Committee on Banking, Housing, and Urban Affairs:* Committee ordered favorably reported the nominations of Ben S. Bernanke, of New Jersey, and Donald L. Kohn, of Virginia, each to be a Member of the Board of Governors of the Federal Reserve System.

**NOMINATION**

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings on the nomination of Rebecca Dye, of North Carolina, to be a Federal Maritime Commissioner, after the witness testified and answered questions in her own behalf.

**RAILROAD SHIPPER CONCERNS**

*Committee on Commerce, Science, and Transportation:* Subcommittee on Surface Transportation and Merchant Marine concluded hearings to examine railroad shipper issues, including progress since the implementation of the Staggers Rail Act (P.L. 96-448), after receiving testimony from Linda Morgan, Chairman, Surface Transportation Board, Department of Transportation; John W. Snow, CSX Corporation, Richmond, Virginia; Terry Huval, Lafayette Utilities System, Lafayette, Louisiana, on behalf of the American Public Power Association and Consumers United for Rail Equity; Mark W. Schwirtz, Arizona Electric Power Cooperative, Inc., Benson; Charles E. Platz, Basell North America, Inc., Wilmington, Delaware; Steve Strege, North Dakota Grain Dealers Association, Fargo; and Dennis Williams, Roseburg Forest Products Company, Roseburg, Oregon.

**BUSINESS MEETING**

*Committee on Energy and Natural Resources:* Committee ordered favorably reported the following bills:

S. 198, to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land, with an amendment in the nature of a substitute;

S. 1028, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal Features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, with an amendment in the nature of a substitute;

S. 1069, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, with amendments;

S. 1638, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 1846, to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York, with an amendment in the nature of a substitute;

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, with an amendment in the nature of a substitute;

S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon,

S. 1943, to expand the boundary of the George Washington Birthplace National Monument, with an amendment;

S. 1944, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, with amendments;

S. 1999, to reauthorize the Mni Wiconi Rural Water Supply Project, with an amendment;

S. 2018, to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, with an amendment;

S. 2222, to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, with an amendment in the nature of a substitute;

S. 2388, to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, with an amendment in the nature of a substitute;

S. 2482, to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road, with an amendment;

S. 2519, to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System, with an amendment;

S. 2571, to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, with an amendment in the nature of a substitute;

S. 2598, to enhance the criminal penalties for illegal trafficking of archaeological resources, with an amendment in the nature of a substitute;

H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails, with an amendment in the nature of a substitute;

H.R. 38, to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska;

H.R. 107, to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, with amendments;

H.R. 695, to establish the Oil Region National Heritage Area, with an amendment in the nature of a substitute (As approved by the committee, the substitute amendment incorporates provisions of S. 1526, S. 1925, S. 1939, S. 2033, S. 2196, and S. 2576.);

H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico;

H.R. 1712, to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park;

H.R. 1776, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas;

H.R. 1814, to amend the National Trails System Act to designate the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System;

H.R. 1870, to provide for the sale of certain real property within the Newlands Project in Nevada, to the city of Fallon, Nevada;

H.R. 1906, to amend the Act that established the Pu'uhonua O Honaunau National Historical Park to expand the boundaries of that park;

H.R. 1925, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System;

H.R. 2109, to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida, for possible inclusion in the National Park System;

H.R. 2115, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to

authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington;

H.R. 2828, to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001; and

H.R. 3048, to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska.

## WATER AND POWER

*Committee on Energy and Natural Resources:* Subcommittee on Water and Power concluded hearings on S. 1577/H.R. 2990, bills to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, S. 1882, to amend the Small Reclamation Projects Act of 1956, S. 934, to require the Secretary of the Interior to construct the Rocky Boy's North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribe to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, S. 2556, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho, S. 2696, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and S. 2773, to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, after receiving testimony from Senators Baucus and Crapo; John W. Keys III, Commissioner, Bureau of Reclamation, and Charles G. Groat, Director, U.S. Geological Survey, both of the Department of the Interior; Dan Keil, North Central Montana Regional Water Authority, Conrad; Peter A. Scholle, New Mexico Bureau of Geology and Mineral Resources, Socorro, on behalf of the High Plains Aquifer Coalition; Mayor Martin J. Chavez, Albuquerque, New Mexico; Bruce Sunchild, Sr., Chippewa Cree Tribe of the Rocky Boy's Reservation, Box Elder, Montana; Jeff Raybould, Fremont-Madison Irrigation District, St. Anthony, Idaho; Peter Carlson, Will and Calson, Inc., Washington,

D.C., on behalf of the Small Reclamation Program Act Coalition; and Wayne Halbert, Harlingen Irrigation District, Harlingen, Texas, on behalf of the Texas Water Conservation Association and Texas Irrigation Council.

### **SUPERFUND PROGRAM**

*Committee on Environment and Public Works:* Subcommittee on Superfund, Toxics, Risk, and Waste Management concluded oversight hearings to examine the Environmental Protection Agency Inspector General's Report on the Superfund Program, focusing on the clean-up of non Federal National Priority List sites, after receiving testimony from Senators Torricelli, and Bill Nelson; Nikki L. Tinsley, Inspector General, and Marianne Lamont Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response, both of the Environmental Protection Agency.

### **IRAQ**

*Committee on Foreign Relations:* Committee held hearings to examine threats, responses, and regional considerations surrounding Iraq, receiving testimony from Gen. Joseph Hoar, USMC, (Ret.), Delmar, California, former Commander-in-Chief of U.S. Central Command; Lt. Gen. Thomas G. McInerney, USAF, (Ret.), Washington, D.C., former Assistant Vice Chief of Staff, U.S. Air Force; Richard Butler, New York, New York, and Morton Halperin, Washington, D.C., both of the Council on Foreign Relations; Khidhir Hamza, Council on Middle Eastern Affairs, New York, New York; Shibley Telhami, University of Maryland Department of Government and Politics, College Park; Anthony H. Cordesman and Charles Duelfer, both of the Center for Strategic and International Studies, Robert L. Gallucci, Georgetown University School of Foreign Service, Fouad Ajami, Johns Hopkins University School of Advanced International Studies, Geoffrey Kemp, Nixon Center, and Mark R. Parris, Baker, Donelson, Bearman, and Caldwell, all of Washington, D.C.

Hearings recessed subject to call.

### **WEIGHT-LOSS SUPPLEMENT SAFETY**

*Committee on Governmental Affairs:* Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia concluded hearings to examine consumer safety and weight loss supplements, focusing on the extent of the use of supplements for weight loss purposes, the validity of claims currently being made for and against weight loss supplements, and the structure of the current federal system of oversight and regulation for dietary supplements, after receiving testimony from Janet Heinrich, Director, Health Care—Public Health Issues, General Accounting Office; Joseph A. Levitt,

Director, Center for Food Safety and Applied Nutrition, Food and Drug Administration, and Michael F. Mangano, Principal Deputy Inspector General, Office of the Inspector General, both of the Department of Health and Human Services; Cynthia T. Culmo, Association of Food and Drug Officials, Austin, Texas; Steven B. Heymsfield, Columbia University College of Physicians and Surgeons, New York, New York, on behalf of the St. Luke's-Roosevelt Hospital Center New York Obesity Research Center; Michael McGuffin, American Herbal Products Association, Silver Spring, Maryland; and Karen Ruiz, San Clemente, California.

### **BUSINESS MEETING**

*Committee on the Judiciary:* Committee ordered favorable reported the following business items:

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

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;

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

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

The nominations of Timothy J. Corrigan, to be United States District Judge for the Middle District of Florida, Jose E. Martinez, to be United States District Judge for the Southern District of Florida, Terrence F. McVerry, to be United States District Judge for the Western District of Pennsylvania, Arthur J. Schwab, to be United States District Judge for the Western District of Pennsylvania, and J.B. Van Hollen, of Wisconsin, to be United States Attorney for the Western District of Wisconsin, Charles E. Beach, Sr., to be United States Marshal for the Southern District of Iowa, Peter A. Lawrence, to be United States Marshal for the Western District of New York, Richard Vaughn Mecum, to be United States Marshal for the Northern District of Georgia, and Burton Stallwood, to be United States Marshal for the District of Rhode Island, all of the Department of Justice.

### **CLASS ACTION LITIGATION**

*Committee on the Judiciary:* Committee held hearings to examine class action litigation issues, including the misuse of class actions to escape accountability, the expansion of federal courts' jurisdiction to hear class actions, and related provisions of S. 1712/H.R. 2341, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, receiving testimony from Lawrence H. Mirel, District of Columbia Department of Insurance and Securities Regulation, F. Paul Bland, Jr., Trial Lawyers for Public

Justice, Walter E. Dellinger III, O'Melveny and Myers, and Thomas J. Henderson, Lawyers' Committee for Civil Rights Under Law, all of Washington, D.C.; Shaneen Wahl, Port Charlotte, Florida, on behalf of the Association of Trial Lawyers of America; and Hilda Bankston, Bankston Drug Store, Fayette, Mississippi.

Hearings recessed subject to call.

### PRISON RAPE REDUCTION

*Committee on the Judiciary:* Committee concluded hearings on S. 2619, to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape, after receiving testimony from Representative Wolf; Mark Earley, Prison Fellowship Ministries, Reston, Virginia; Robert W. Dumond, Franklin Pierce College, Hudson, New Hampshire, on behalf of Stop Prison Rape; Rabbi David Saperstein, Religious Action Center of

Reform Judaism, Washington, D.C.; and Linda Bruntmyer, Amarillo, Texas.

### FOREIGN INTELLIGENCE SURVEILLANCE

*Select Committee on Intelligence:* Committee concluded hearings to examine S. 2586, to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism, and S. 2659, to amend the Foreign Intelligence Surveillance Act of 1978 to modify the standard of proof for issuance of orders regarding non-United States persons from probable cause to reasonable suspicion, after receiving testimony from Senator Schumer; James A. Baker, Counsel for Intelligence Policy, and Marion E. Bowman, Deputy General Counsel, Federal Bureau of Investigation, both of the Department of Justice; Frederic F. Manget, Deputy General Counsel, Central Intelligence Agency; and Jerry Berman, Center for Democracy and Technology, and Clifford S. Fishman, Catholic University of America Columbus School of Law, both of Washington, D.C.

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# House of Representatives

## Chamber Action

The House was not in session today. Pursuant to the provisions of S. Con. Res. 132, the House stands adjourned for the Summer District Work Period until 2 p.m. on Wednesday, September 4, 2002.

## Committee Meetings

No committee meetings were held.

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### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of July 25, 2002, p. D835)

H.R. 3763, to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws. Signed on July 30, 2002. (Public Law 107-204).

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### COMMITTEE MEETINGS FOR THURSDAY, AUGUST 1, 2002

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Agriculture, Nutrition, and Forestry:* business meeting to mark up proposed legislation providing for

agricultural disaster assistance, and to consider the nomination of Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation, and to be Under Secretary of Agriculture for Rural Development, 9:30 a.m., SR-328A.

*Committee on Armed Services:* to resume open and closed (in Room SR-222) hearings to examine the implications of the Strategic Offensive Reductions Treaty (Treaty Doc. 107-8), 9 a.m., SD-106.

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on International Trade and Finance, to hold oversight hearings to examine the role of charities and non-governmental organizations in the financing of terrorist activities, 2:30 p.m., SD-538.

*Committee on Finance:* to hold hearings on the nomination of Pamela F. Olson, of Virginia, to be an Assistant Secretary of the Treasury, 10 a.m., SD-215.

*Committee on Foreign Relations:* business meeting to consider the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the "Montreal Protocol"), adopted at Montreal on September 15-17, 1997, by the Ninth Meeting to the Parties to the Montreal Protocol (Treaty Doc. 106-10); the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the "Montreal Protocol"), adopted at Beijing on December 3, 1999, by the Eleventh Meeting of the Parties to the Montreal Protocol (the "Beijing Amendment") (Treaty Doc. 106-32); S. 2712, to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain