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House of Representatives

The House met at 10 a.m.

The Reverend Wayne Jenkins, Pastor, First Baptist Church, Alexandria, Virginia, offered the following prayer:

Dear Father, I lift to You the Members of Congress, their staff members, their spouses and their children. I pray that You draw them into personal relationship with You today. Reveal Yourself to them. Fill them with Your Holy Spirit.

By the authority of Jesus Christ, cast out all dark and evil spirits. Allow no influence to come near to them except that which is first filtered through the light of Your Son, Jesus Christ. Cover them with the blood of Christ. Seal them with the cross of Christ. Redeem them by Your grace. Transform them by Your power. Teach them by Your wisdom. Unite them by Your love. Lead them by Your purpose. Focus them on Your vision. Remind them of their total dependence upon You. Sustain them by Your word. Sanctify them for Your Holy Service. Encourage them by Your counsel. Protect them by Your sovereignty.

Father, I entrust them to You and I pray this prayer through Your Son, Jesus Christ. In the name of the Father and the Son and the Holy Spirit, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oklahoma (Mr. CARSON) come forward and lead the House in the Pledge of Allegiance.

Mr. CARSON of Oklahoma led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE REVEREND WAYNE JENKINS

(Mr. CARSON of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARSON of Oklahoma. Mr. Speaker, it is a great pleasure today to welcome Pastor Wayne Jenkins from First Baptist Church of Alexandria, Virginia, as our guest chaplain.

Pastor Jenkins has served as the Pastor for Education and Married Adults for 8 years. His wife of 34 years, Carolyn Jenkins, is the Minister of Education at Downtown Baptist Church in Alexandria, and they have two adult children, Rand Jenkins who works with the Baptist General Convention of Texas and lives in Fort Worth with his wife, Denise, and Clare Jenkins, who serves on my staff as a legislative assistant.

A man of strong faith, members of his church and community recognize Pastor Jenkins as a wise spiritual leader and encourager. As Pastor of Education and Married Adults, Pastor Jenkins enjoys a wide range of ministry at First Baptist and impacts lives through counseling, teaching and preaching. Pastor Jenkins leads a growing ministry for developing Christians, starting 40 new Bible study classes in 5 years and baptizing 82 into the faith last year. Throughout his career of over 30 years, Pastor Jenkins has demonstrated consistent church leadership and a passion for God's service.

Admired by his parishioners and loved by his family, it is my pleasure to introduce Pastor Jenkins today, and I thank him for giving us a wonderful word to start our business this morning.

TRUSTING REPUBLICAN PRINCIPLES TO CHANGE AMERICA

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, America's success in reforming the dysfunctional welfare system during the mid-1990s is one of our House Republican majority's proudest hours. We reached out with the hand of hope to millions of Americans who lost control of their own destinies as they fell, trapped within the grip of a destructive Federal-funded life-style of apathy and ambivalence.

Welfare reform gave millions of families a powerful message of inspiration and achievement. They had not been written off. They were not trapped behind. They were not the perpetual prisoners of perverse incentives.

Our House Republican majority said, Your American dream is alive and we appeal to each of you to discover your passion and follow your heart. Millions of formerly dependent people seized the challenge. They lifted their family to security, stability, and they discovered the inherent nobility of work, all types of work. There is virtue in hard work of any kind. A job done well earns our respect in any arena.

This success also taught Republicans a potent lesson. When we trust our principles, they work. By applying Republican principles to social policy, we demonstrated that our approach works even better in practice than it appeared on paper or theory. And our principles will work just as well when we apply them to many of the other difficult social problems that are diminishing young lives, straining families, and weakening our broader society.

We need to be confident. We need to engage our Republican approach to individual empowerment across the full spectrum of problems that we are confronting as a country. And we need to

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guard against the erosion of the important principles that are turning lives around in cities, counties and States from north to south, ocean to ocean.

Specifically, we have to promote work to foster independence; improve young lives by lifting children from the grip of poverty; strengthen families by fostering respect for the institution of marriage; and finally, to boost the fortunes of every single American by unleashing a broad economic expansion that will spread opportunity to every willing worker.

Mr. Speaker, that is our dream for the people of this country, fulfilling America's promise for every man, woman and child.

SUPPORT DEMOCRATIC SUBSTITUTE OF H.R. 4, PERSONAL RESPONSIBILITY, WORK AND FAMILY PROMOTION ACT OF 2003

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to comment on H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003 and to voice my support for the Democratic substitute.

The Republican bill is an unfunded mandate for the States. H.R. 4 will cost the States a total of $11.1 billion, with my State, California, being hit the hardest with almost $2.5 billion.

In contrast, the Democratic bill properly funds employment services and quality child care for families. The Democratic bill would replace the current caseload reduction credit with an employment credit, which means we would reward States for moving people into jobs, not just off the welfare rolls.

Finally, the Democratic proposal ensures fairness for legal immigrant families. It removes the 5-year ban on States to help legal immigrants with Federal TANF funds, Medicaid services for pregnant women and children, and SSI benefits for disabled children.

Mr. Speaker, speaking as a daughter of immigrants who are now U.S. citizens, it is un-American to enact laws that discriminate against those who come here legally looking for a chance to start a new life.

CONGRATULATING ELDER HIGH SCHOOL FOOTBALL TEAM

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, on the blustery, frigid evening of November 30, 2002, the Elder High School football team made their championship dreams a reality. The Elder Panthers overcame the weather, a 4-hour bus ride, and a spirited Warren Harding team to return the Ohio State football championship to Cincinnati for the first time since Princeton High School won in 1987.

Thousands of Elder faithful flocked to Fawcett Stadium to urge the Panthers to victory. Those who could not make the cross-State trip sat glued to their TVs, hanging onto every play. From the opening kickoff to the game-saving defensive stand, fans were thrilled by the championship effort and heart displayed by the young men from Elder.

Mr. Speaker, Elder's hard-fought and inspiring victory has brought pride and honor to Price Hill, and to our entire community. Football fans throughout the Cincinnati area congratulate the Panthers and share in their celebration. As a former LaSalle Lancer myself, let me conclude by saying, Go Panthers.

RESOLUTION OF INQUIRY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, this morning I will be introducing a resolution of inquiry which demands the President transmit to the House of Representatives the complete Iraqi declaration on its weapons of mass destruction, that was provided to the United Nations on December 7, 2002.

If the administration is intent on taking this country into a war, I believe it is incumbent upon them to make the document which was portrayed as evidence of an Iraqi threat available for all to evaluate. As of today, neither Congress nor the media nor the American people have seen the full Iraqi declaration of weapons of mass destruction. Instead, we have only heard interpretations of the document from the White House and the United Nations.

Let the American people and we, their elected Representatives, who under our Constitution have the power to declare war, determine the justification for war, let the primary documents be transmitted in their complete and unedited form and be brought to the light of day.

Mr. Speaker, the American people have the right to see this information. Congress has the right to see this information, and the administration has an obligation to show it before sending any of our sons and daughters into battle.

DERAIL AMTRAK FUNDING

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to bring to the attention of my colleagues a grave error I feel is being made in the negotiations of the Omnibus Appropriations Act.

Mr. Speaker, I ask my colleagues to go to their computers, check a travel Web site or call their travel agent and find out how much it would cost to fly from Orlando to Los Angeles. When I did this last night, I found nine different flights that cost less than the average per-passenger loss the Federal Government subsidizes on the Amtrak Sunset long-haul route. To put it simply, the government would save money if we bought a plane ticket for every person taking the Sunset Limited from Orlando to Los Angeles.

Mr. Speaker, our country is at war with terrorism and may soon have to go to war with Iraq. Our economy is slowly recovering from the double whammy of recession and the 9/11 attacks. There are tough choices to be made and scarce resources available from which to fund our key priorities. We cannot continue to provide unaccountable and never-ending sums of money for Amtrak, a system which refuses to reform itself.

TRIBUTE TO COACH ROBERT HUGHES

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I rise today to pay tribute to Coach Robert Hughes of Dunbar High School in Fort Worth, one of the greatest legends in Texas sports history.

Last night, before 7,000 fans, Coach Hughes earned his 1,275th win, surpassing legendary Coach Morgan Wooten of DeMatha High School in Maryland, to become the winningest high school boys basketball coach in U.S. history. During that time, his team has lost just 248 games.

Coach Hughes' remarkable career began almost half a century ago, in 1958, at I.M. Carroll High School in Fort Worth. Coach Hughes won his first State championship in 1963. More State titles would follow in 1965, 1967, and 1993. Coach Hughes has been coaching for Dunbar since 1973, and he continues to serve as a role model for young players and students who take pride in calling themselves Wildcats.

After more than 20 district titles, Coach Hughes clearly is not finished yet. Last night Dunbar earned its fourth consecutive Texas Division 7–4A basketball title and is off to the playoffs. His team is 39–1 this year.

It is a pleasure to honor Coach Hughes. Go Wildcats in the playoffs.

□ 1015

A HIGHER CALLING

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, it was made official last week: our alert status is high. For many Americans, this call for high vigilance has resulted in high anxieties. And in these days of war and rumors of war, we are even hearing the voice of our enemy echo across the airwaves of the world.

But I offer, Mr. Speaker, that we need to hear a different voice today. It is the voice that comforted our founders and has comforted every American hero throughout our history. As the Psalmist wrote so many years ago, ''He who dwells in the shelter of the Most High will rest in the shadow of the Almighty. He will say, 'He is my refuge and my fortress, my God in whom I trust.' He will save you from the fowler's snare, from the deadly pestilence; he will cover you with his feathers, and under his wings you will find refuge.''

May the favor of the Lord our God rest upon our President, our troops in the field, and all those brave men and women who serve in every Federal place in this Nation this day.

THE WAR ON TERRORISM

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, tomorrow we are going to pass the welfare reform act without a single hearing in the subcommittee or in the full committee. It simply went to the Rules Committee and will come to the floor without debate in this House.

I implore you, Mr. Speaker, to bring the domestic security enhancement bill to the committee and then to the floor with full debate before you try and run it through in the confusion around some terrorist act.

I give two quotes and let people decide who said what. The first is: ''The people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked and denounce the pacifists for lack of patriotism and exposing the country to danger. It works the same way in any country.''

The second quote is: ''To those who scare peace-loving people with phantoms of lost liberty, my message is this: 'Your tactics only aid terrorists, for they erode our national unity and diminish our resolve.'''

The first is a quote from Hermann Goering, the propagandist for the Nazis. The second is John Ashcroft. Consider the similarity. We do not need to lose more of our liberties to defend ourselves in this country.

BURMA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today on behalf of the ethnic minorities of Burma, otherwise known as Myanmar. In January, I visited the Thai-Burma border and met with refugees, democracy activists, prisoner-of-conscience groups and others working to help the people of Burma. Sadly, the international community has failed to recognize that there is, under international legal definitions, a campaign of genocide against the ethnic minorities by the ruling SPDC dictatorship in Burma.

We met with victims' groups, land mine victims, orphans, rape victims and others. One little boy I met was an 8-year-old orphan. He had seen both of his parents killed, then he was trafficked over the border into Thailand and there he escaped to the refugee camps. This little boy was so traumatized that he could not even smile. I saw many children like him.

Mr. Speaker, the U.S. Government and the international community must do something to assist the people of Burma and stop the brutality. Otherwise, we will all be responsible for the successful genocide campaign ethnic cleansing going on by the vicious military of the SPDC.

ELIMINATE THE UNFAIR DOUBLE TAXATION ON DIVIDEND INCOME

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to call for an end to the unfair double taxation on dividend income. President Bush has made it known that it is fundamentally wrong to tax any income twice.

Many would like to play class warfare politics with this issue, but that argument simply does not stand up. Since 1990, stock ownership in the United States has doubled. Today in America more than half of all households own stock and half of all dividend income is owned by seniors. Economists anticipate that the stock market will rise between 10 and 20 percent once this unfair double taxation is eliminated. This creates more capital for spending and investment which leads to job creation.

I thank President Bush and Federal Reserve Chairman Greenspan for their leadership on this issue. Also, I want to commend Grover Norquist, president of Americans for Tax Reform, for his outspoken advancement of a more fair tax system. That is why I have introduced H.R. 225, the Double Taxation Elimination Act of 2003. I ask my colleagues to join me in stopping this unfair double taxation on dividend income.

THE JUDICIAL NOMINATION OF MIGUEL ESTRADA

(Mr. CHOCOLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHOCOLA. Mr. Speaker, I rise today to support Miguel Estrada to be United States circuit judge for the District of Columbia circuit. Mr. Estrada was nominated nearly 21 months ago. He has argued 15 cases before the United States Supreme Court. He would also be the first Hispanic judge on the U.S. Court of Appeals for the D.C. circuit. Mr. Estrada has served in the Justice Department under Presidents of both political parties as a Federal prosecutor and as the assistant to the Solicitor General.

Despite all of that, to date the Senate has not acted on the nomination of Miguel Estrada, along with many other judicial nominations. There is no question that Miguel Estrada is highly qualified to serve on the Federal bench.

Mr. Speaker, it is time to give the President what he has asked for and what the American people deserve, a great judge in Miguel Estrada.

HONORING LEGENDARY WICHITA, KANSAS, RADIO PERSONALITY MICHAEL C. ''OL' MIKE'' OATMAN

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I rise today to honor a man who had a tremendous impact on the country music industry, was a strong advocate for Wichita, Kansas, and was a great friend to many, including me.

Michael C. Oatman, or Ol' Mike as we all knew him, left this Earth on January 27. Although we wish he could have spent more time with us, he certainly made the most of the time that he had.

Mike was born in west Texas where he began a legendary radio career. In 1964 he moved to Wichita and built not only a radio empire but a reputation that earned him love and respect. His morning show of 36 years was popular not because of the music he played but because of the man who played the music.

Ol' Mike received just about every award a radio broadcaster could earn. All of those honors pale in comparison, though, to his final reward. Mike accepted Christ as his personal Lord and savior and now is in a much better place. And oh how I wish I could have been at those pearly gates to see St. Peter's response when he was introduced to the tee-legged, toe-legged, bee-legged, bow-legged, curly-haired, pee-williker Ol' Mike. That was Ol' Mike's radio show sign-on and was certainly as unique as the man himself.

We will miss you, Mike, but we will keep our old Hank Williams records and look you up when we join you on those streets of gold.

ON THE ISSUE OF THE MIGUEL ESTRADA CONFIRMATION

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to address the House on a very important matter. I would like to speak about Miguel Estrada, President Bush's nomination for the United States Court of Appeals for the District of Columbia. I applaud the nomination. Miguel Estrada would not only be the first Hispanic to sit on this court but

more importantly he is a very well-qualified nominee. Miguel Estrada has argued 15 cases before the Supreme Court. He received a ''well-qualified'' rating from the American Bar Association, the highest rating possible. He has also received an ''outstanding'' rating in every performance category during his tenure in the Solicitor General's office under a previous administration.

It is interesting to note that five of eight judges currently serving on the D.C. circuit had no previous judicial experience. Mr. Speaker, it is clear Miguel Estrada is a well-qualified candidate for the bench. Yet the Senate has still not acted on this important appointment.

THE JUDICIAL NOMINATION OF MIGUEL ESTRADA

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to discuss an issue that affects all Americans: judicial nominations. It is imperative that we in this Congress take a stand today and say enough is enough, that together we will end the politics of ethnic and gender exploitation and begin an era where our constitutional prerogatives override personal or party political ambition.

Mr. Speaker, the judiciary is the branch of the Federal Government that people rely on for impartiality and sound judgment. If they must be impartial, then as a coequal branch of government, we should be impartial in selecting them. It stands to reason that America's diversity extends to the judiciary, not simply for diversity's sake but because citizens of this great Nation have the right to be judged by their peers. As Americans are diverse, so should be its jurists.

Mr. Speaker, in the past 2 years we have seen nominees for the Federal bench swept aside not because of ideological disagreements or their prior decision-making record, but due to political calculations about the effect their ethnicity or gender may have on the next election. The base politics of ethnicity and gender, couched in rhetoric of ideological bias, is destroying qualified nominees' potential for good public service.

Mr. Speaker, let us go forth today and end ethnic and gender political maneuvering and begin an era of true impartiality in our judicial system and improved public service for our fellow citizens.

ON MEDICAID ''CASH AND COUNSELING'' DEMONSTRATION PROJECT: CONSUMER DIRECTED CARE WORKS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, Medicaid is a mounting expense and a source of frustration to beneficiaries, providers, and taxpayers. Our States need long-term solutions, not short-term cash infusions. But there is good news. There are regulations in Medicaid, section 1115 waivers. These give States more flexibility to design and implement programs that work. One success story has the potential to save money and even more importantly instill choice into the program.

Florida, Arkansas, and New Jersey have a demonstration project called the Cash and Counseling Program. It permits participants, with minimal assistance, to direct their own health care and manage the funds allocated for their needs. In Florida, it is entirely voluntary for frail elders, the developmentally disabled and physically disabled. The eligible are given their own personal cash allowance to spend on established health care purchases. This is resulting in choice, heightened personal responsibility, and potential cost savings. I commend Governor Jeb Bush for his success and only hope that Cash and Counseling is expanded across this Nation.

REGARDING THE NOMINATION OF MIGUEL ESTRADA

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to support the nomination of Miguel Estrada to the United States Court of Appeals for the District of Columbia. Mr. Estrada has proven himself to be an extremely qualified candidate for this position. A lawyer with a distinguished educational background, Mr. Estrada has argued 15 cases before the United States Supreme Court, all before the age of 40, which is truly an accomplishment. In addition, he has received a unanimous ''well qualified'' evaluation from the American Bar Association, its highest ranking.

Mr. Estrada has spent time at the Justice Department under both Republican and Democratic administrations and has demonstrated a commitment to upholding the integrity of the law. He has been called ''an extraordinarily legal talent'' and ''genuinely compassionate'' by a former Solicitor General, two accolades which lend much support and credibility to his nomination.

□ 1030

SUPPORTING THE NOMINATION OF MIGUEL ESTRADA

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, what is the deal with the Democrats and Miguel Estrada? Is it racism or is it that they just do not like the guy? Because he is definitely qualified to sit on the D.C. Court.

He would be the first Hispanic on that court. He graduated magna cum laude from Harvard, graduated Phi Beta Kappa from Columbia College. He has argued 15 cases before the Supreme Court and was unanimously rated ''well qualified'' by the American Bar Association and called an extraordinary legal talent by the Clinton Solicitor General.

So what seems to be the problem, Democrats?

Let us go on further. He is 41 years old. He has been in private practice 7 years. He was a U.S. attorney for 2 years. He worked for the U.S. Justice Department. But do the Members know what? He is Hispanic, and what the Democrats are saying is because he has no prior judicial experience. That is interesting because out of the seven judges on the D.C. judicial court circuit, five of the seven did not have judicial experience. Is it not interesting that two of the Supreme Court justices did not have judicial bench experience? And yet this Hispanic guy comes along, and suddenly the Democrats are really concerned about judicial experience.

Mr. Speaker, I urge the Democrats to let this nominee go and put him on the D.C. Court. We need people like this. He is an American success story, and I applaud President Bush for nominating him.

RECESS

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 32 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1505

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 3 o'clock and 5 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

RECOGNIZING THE COURAGE AND SACRIFICE OF UNITED STATES ARMED FORCES HELD AS PRISONERS OF WAR DURING THE VIETNAM CONFLICT AND CALLING FOR A FULL ACCOUNTING OF THOSE WHO REMAIN UNACCOUNTED FOR

Mr. HUNTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 62) recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,902 members of the Armed Forces who remain unaccounted for from the Vietnam conflict.

The Clerk read as follows:

H. RES. 62

Whereas recent world events have brought Americans closer together, while reinvigorating our patriotism, reminding us of our precious liberties and freedoms, and giving us a greater appreciation for the men and women of the United States Armed Forces who daily defend our homeland;

Whereas the honor and valor of past and present members of the United States Armed Forces have inspired many young people, once again, to serve their country;

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the Vietnam conflict resulted in more than 700 American military personnel being taken prisoner by enemy forces;

Whereas American military personnel who were taken prisoner were held in numerous prisoner of war facilities, the most notorious of which was Hoa Lo Prison in downtown Hanoi, Vietnam, which was dubbed by prisoners held there as the ''Hanoi Hilton'';

Whereas on January 23, 1973, the United States and North Vietnam jointly announced the terms of a cease-fire agreement, which included the release of prisoners of war;

Whereas the return of the American prisoners of war to the United States and to their families and comrades was designated Operation Homecoming;

Whereas on February 12, 1973, the first group of American prisoners of war were released at airfields near Hanoi and Loc Ninh, and the last Operation Homecoming repatriation took place on April 1, 1973;

Whereas many American military personnel who were taken prisoner as a result of combat in Southeast Asia have not returned to their loved ones and their fate remains unknown;

Whereas American military personnel who were prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention and outside information, and were frequently isolated from each other and prohibited from communicating with one another;

Whereas the prisoners, at great personal risk, nevertheless devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas the prisoners held in the Hanoi Hilton included then-Major Samuel R. Johnson, United States Air Force, now a Member of Congress from the Third District of Texas, who was shot down on April 16, 1966, while flying his 25th mission over North Vietnam, who spent more than half of his time as a prisoner in solitary confinement, conducted himself with such valor as to be labeled by the enemy as a die-hard resister, and, notwithstanding the tremendous suffering inflicted upon him, demonstrated an unfailing devotion to duty, honor and country, who, during his military career, was awarded two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with ''V'' device for valor, two Purple Hearts, four Air Medals, and three Outstanding Unit awards, who retired from active duty in 1979 in the grade of colonel, and who personifies the verse in Isaiah 40:31, ''They shall mount with wings as eagles'';

Whereas the American military personnel who were prisoners of war during the Vietnam conflict truly represent all that is best about America;

Whereas the 30th anniversary of Operation Homecoming begins on February 12, 2003, and ends on April 1, 2003;

Whereas the world acknowledges that the words inscribed by an American prisoner of war in a Hanoi Hilton cell, ''Freedom has a taste to those who fight and die for it that the protected will never know'', are bitterly true and eternally appreciated; and

Whereas the Nation owes a debt of gratitude to these patriots and their families for their courage, heroism, and exemplary service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest gratitude for, and calls upon all Americans to reflect upon and to show their gratitude for, the courage and sacrifice of the brave members of the United States Armed Forces, including particularly Sam Johnson of Texas, who were held as prisoners of war during the Vietnam conflict;

(2) urges States and localities to honor the courage and sacrifice of those prisoners of war with appropriate ceremonies and activities;

(3) acting on behalf of all Americans, will not forget the 1,902 members of the United States Armed Forces who remain unaccounted for from the Vietnam conflict and will continue to press for a full accounting of all of these members; and

(4) honors all of the members of the United States Armed Forces who have fought and died in the defense of freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 62.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution authored by the distinguished majority leader and gentleman from Texas (Mr. DELAY). It recognizes the courage and sacrifice of American military personnel held prisoner during the Vietnam conflict and especially highlights the courage and sacrifice of one of our own, the gentleman from Texas (Mr. SAM JOHNSON), a POW for 7 years.

Madam Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Madam Speaker, I thank the gentleman for yielding me this time. I greatly appreciate the chairman for bringing this resolution to the floor at this time. It is a timely resolution, as we all know.

Madam Speaker, most of us feel something very special for the gentleman from Texas (Mr. SAM JOHNSON). We feel a profound sense of gratitude to every American who has suffered greatly in defense of freedom. And prisoners of war frequently suffer levels of abuse that most of us could scarcely imagine, let alone endure.

Each of our American prisoners of war should know that the people of this country cherish their service. They have our solemn gratitude and our solemn appreciation.

Let me say a few words about my friend, the gentleman from Texas (Mr. SAM JOHNSON), because there is a lesson in SAM's story for the rest of us. Even during the most trying and emotionally wrenching experiences that life can possibly confront us with, the eternal qualities endure and they will sustain us.

SAM emerged from those years of brutality with his essential virtues only that much stronger. His captors attempted to strip away the qualities that took him to Vietnam, but the torturers' twisted objective utterly failed, because far from eroding SAM's defining principles, the abuse only tempered his convictions and raised them to a new plane upon which they were forever beyond the reach of evil or intimidation.

SAM JOHNSON came home with his love of country, his passion for family, his reverence for freedom, and his faith in the Lord immensely strengthened.

And, as it was for SAM JOHNSON in the Hanoi Hilton, so too will it be for the United States during our war against tyranny and terrorism. Our enemies may think that acts of brutality and mass murder will divert Americans from our purpose, but they do not understand America. As SAM JOHNSON and most Texans would tell them, we have drawn our line in the sand and will never back down until every last terrorist stands before judgment.

Thank you, SAM JOHNSON, for your service to your country. God bless you, and God bless America.

Mr. SNYDER. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Madam Speaker, I thank the gentleman (Mr. SNYDER) for yielding me this time, and I thank the gentleman from Texas (Mr. DELAY) for bringing this important resolution to the floor.

As I get older, I work more on trying to keep my priorities straight. Among them are remembering that had it not been for all of the men and women who wore the uniform of the United States military through the years, people like me would not have the privilege of going around bragging, as I often do, about how we live in the freest and

most open democracy on the face of the Earth. Freedom is not free. We have paid a tremendous price for it.

I try not to let a day go by without remembering with deepest gratitude all of those who, like my own brother Bill, made the supreme sacrifice. I'm thankful to all those who wore the uniform of the United States military, put their lives on the line for us and all that we hold dear, and then came back home and rendered outstanding service in our communities, and raised beautiful families to carry on in their fine traditions.

Today, most especially, we salute and pay tribute to all those who endured torture on our behalf as prisoners of war. Chief among them are my friend and colleague from the Committee on Ways and Means, the gentleman from Texas (Mr. SAM JOHNSON), Senator JOHN MCCAIN, and Ambassador Pete Peterson.

I join my colleagues in saluting them for what they went through remembering all of those who endured torture on our behalf as prisoners of war, and renewing our collective commitment to account for all of the American military personnel who are still missing in action.

Mr. HUNTER. Madam Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. GRANGER), and this was at the request of the gentleman from Texas (Mr. SAM JOHNSON), that we have the best-looking Texans go first. We made a mistake with the gentleman from Texas (Mr. DELAY), but we are going to make up for it now.

Ms. GRANGER. Madam Speaker, since September 11, 2001, Americans have had great lessons in what it means to be a hero. We realize more than ever that we owe a debt of gratitude to those patriots and their families who fight to protect our freedoms.

Today, I am rising to particularly recognize a man whose life is a lesson in heroism.

I did not know SAM JOHNSON before I campaigned to join him here in the Congress, but I knew him from his reputation and his record.

After I came to Washington, I read the book he wrote of his experiences in Vietnam. Although it is not a long book, and I am a pretty fast reader, I could not read it all in one sitting as I often do, because I would have to put the book down to wipe my eyes, because I have never known anyone to go through what he went through in the name of America.

He is being recognized today on the 30th anniversary of his release from a North Vietnamese prison camp in Hanoi, where he spent 7 years as a prisoner of war, 7 long years, 3½ in solitary confinement and 2½ in leg irons. During that time, he was a hero to all he came in contact with.

How did he come in contact with his fellow prisoners? By tapping a code on the wall and by memorizing 374 names of other prisoners, because he never lost hope of getting out of that confinement and bringing those names home.

For his service, he was awarded two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with Valor, two Purple Hearts, four Air Medals, three Outstanding Unit Awards, and the admiration, respect, and the appreciation of millions of Americans and Vietnamese.

That makes SAM a tough son of a gun, but he is also a man of great depth and great faith. On the 47th day of his confinement, a typhoon blew the window open for the first time and he said, ''I saw the sunrise, the trees; it was God in all His glory.''

I think God's glory shines through SAM JOHNSON. He is a hero to all of us and he certainly has been that to me.

□ 1515

Mr. SNYDER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise and join my colleagues in support of House Resolution 62, which recognizes the courage and sacrifices of American prisoners of war during the Vietnam conflict and calls for a full accounting of those who remain unaccounted for from the Vietnam conflict.

Thirty years ago today the first group of American prisoners of war was officially released from captivity in Vietnam. Operation Homecoming began on February 12, 1973; and the last repatriation occurred on April 1, 1973. Who can forget those dramatic news photographs of families being reunited with their POWs, their loved ones. In less than 2 months, over 500 Americans returned to the United States.

During the Vietnam War, over 700 American military personnel were taken prisoner by enemy forces. The first prisoner of war in the Southeast Asia conflict occurred in Laos on March 23, 1961. For some like Floyd Thompson, who was the longest held POW, it would be nearly a decade before his family saw him again. Many were held in infamous prison facilities, such as the Hoa Lo prison, which was referred to by the prisoners as the Hanoi Hilton. Many Members of the House have visited the Hanoi Hilton.

On January 23, 1973, the United States and North Vietnam agreed to a cease fire and a return of the prisoners of war. Operation Homecoming resulted in the release and return of 591 Americans. One of the prisoners held, and the one we particularly honor today, was then-Major SAM JOHNSON of the United States Air Force, now a Member of Congress from Texas' third district. He was shot down on April 16, 1966, while flying his 25th mission over Vietnam.

He was labeled a die-hard resister and spent the majority of his time as a prisoner of war in solitary confinement. During his captivity, SAM demonstrated an unshakeable devotion to duty, honor, and country. He retired from the Air Force with the grade of colonel in 1979. It is clearly an honor and privilege to serve with SAM in the House of Representatives.

My colleague mentioned the book that SAM wrote. It is called ''Captive Warrior: A Viet Nam POW Story.'' This is a young-looking version of Congressman JOHNSON here on the front, and I will take the liberty of at least plugging the book.

Texas A&M University Press is where I got my copy, and like my preceding colleague, it is an unadulterated and captivating version of what the life of these men was like in captivity.

Back home, Madam Speaker, I do a talk primarily in schools. I call it my congressional heroes speech in which I have blown up photos of Members of Congress and talk about a 1-, 2-, or 3-minute summary of their life. One of the people I talk about is Floyd Spence, our great and beloved chairman, now passed away, and his courage in the face of having an organ transplant, one of the first in the country that had, I believe, a lung transplant.

One of the people I talk about is SAM, and I make the point that SAM and I often disagree on political issues on the floor of this House. And when you see those votes where it is 220 to 190, well, I am usually in the 190 and he is in the 220; but the differences in policy and politics does not change the fact that SAM JOHNSON is truly one of America's heroes and I will continue to talk about him.

I also mention a former colleague of ours, Pete Peterson from Florida, who was also a prisoner of war during the Vietnam conflict, shot down on September 10, 1966. He also had a distinguished career in the Air Force and retired as a colonel in 1981. He left Congress and served with distinction as our Nation's first ambassador to Vietnam following the Vietnam conflict. I met with him in Hanoi as many Members did, and he is also a very fine American.

Also a note, Madam Speaker, about civilians. We recognize the sacrifices and courage of our servicemembers who were held as POWs. Twenty-five civilians were also released as prisoners of war during Operation Homecoming. Twelve were released prior to the operation and four escaped. Of the 97 individuals listed by the services that were not returned during Operation Homecoming, 80 were servicemembers but 17 were civilians.

Madam Speaker, recent world events remind us that our freedoms are not free. Men and women in uniform volunteer to protect the liberties and ideals that we hold dear, but there are risks. In our recognition today of our colleague, Congressman SAM JOHNSON, and his former colleagues that served as POWs, once again brings home the sacrifices that are made. We use SAM today as our symbol of all the POWs from that conflict, and we salute them today.

Madam Speaker, I reserve the balance of my time.

Mr. HUNTER. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in strong support of this resolution to honor all of our prisoners of war from the Vietnam conflict. In particular, I want to join the House in paying a special tribute to my good friend and colleague, the gentleman from Texas (Mr. SAM JOHNSON). SAM's service to his country has spanned the Korean War and the Vietnam War, where he was a prisoner of war for 7 years.

In his office on Capitol Hill, SAM has a photo of his favorite plane. On it is inscribed part of a special Bible verse from Isaiah, ''They shall mount up with wings as eagles,'' an inscription that embodies the continuing spirit of this great patriot in our midst and one which should inspire all Americans with the courage to face the critical, difficult challenges facing this Nation in the days ahead.

It is my distinct honor and privilege to serve with SAM in this great body and on the Committee on Ways and Means. SAM, you are a true champion for all Americans and a true hero to me. America is better off for your service, and I am very proud to call you my friend.

Mr. SNYDER. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Madam Speaker, I certainly want to recognize the gentleman from Texas (Mr. SAM JOHNSON). He is a friend of mine. He is a neighbor of mine. Our boundaries are contiguous. They talk about redistricting and I have always said, If they ever put me in SAM's district, he will have the best campaign manager in the world. It would be me because no one would want to run against this great man with his history, his background, the gifts he has given to this country, the suffering that he has suffered for this country.

I rise in support of this resolution and call for a full accounting of the 1,902 members of our Armed Forces who still remain unaccounted for in unmarked graves or uncharted jails somewhere out there. Among those we honor today are SAM JOHNSON and a number of others that together they put together a series of codes of communication with one another.

This resolution marks the 30th anniversary of his return home from being held captive for 7 years. Can you imagine that? Seven years. I think almost half of that in solitary.

If you have ever shaken hands with him you will feel the hands of a man who has had every bone in both of his hands broken, probably from holding the bars and being hit with bamboo, being beaten and treated unmercifully at the hands of an enemy.

In April 1966 during his 25th combat mission over North Vietnam, Major JOHNSON was shot down. He was taken prisoner. He was taken near Hanoi where he and his fellow POWs were subjected day and night to physical and mental abuse but refused to give up sensitive information on the American military campaign, using tap codes at the camp where they were able to keep in contact with one another.

Mr. JOHNSON began his career in the United States Air Force after graduating from my alma mater, Southern Methodist University. He served his country with distinction in the Vietnam War as well as the Korean War.

Listen to this: he earned two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star of Valor, two Purple Hearts, four Air Medals and two Outstanding Unit Awards. He also served as a director of the Air Force Fighter Weapons School, popularly known as Top Gun and coauthored the first Air Force tactics manual for fighter pilots.

I am honored to count the gentleman from Texas (Mr. SAM JOHNSON) as my good friend and his wife as our good friend. I hold him in high regard and respect very much the work he has done in strong support of our men and women in the military. As one of the few men and women in Congress who has fought in combat, he is a valued and respected advisor on military readiness for all of us here on this floor.

I also appreciate his tireless work on retirement, health and labor issues. Since being elected to Congress he has risen to the post of the highest-ranking Texas member on the Committee on Ways and Means and the Committee on Education and the Workforce, where he serves as chairman on the Subcommittee on Employer-Employee Relations.

Madam Speaker, I proudly support this resolution and join my colleagues today in honoring this man and the men and women who served in Vietnam. The gentleman from Texas (Mr. SAM JOHNSON) is a true American. I am also proud to record our thoughts today on behalf of those on all wars and remember SAM JOHNSON, who school children, 200 years from now, will read about this great man. God bless him.

Mr. HUNTER. Madam Speaker, I yield 2½ minutes to the gentleman from South Carolina (Mr. WILSON) in the wake of that eloquent statement by the gentleman from Texas (Mr. HALL).

Mr. WILSON of South Carolina. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, as we celebrate the 30th anniversary of the gentleman from Texas' (Mr. SAM JOHNSON) return from Vietnam after nearly 7 years of brutal captivity, I am confident his courageous example will serve as an inspiration to our pilots preparing for possible attacks against Saddam Hussein.

Congressman JOHNSON's devotion to his comrades and his country during 2,500 days of captivity should also serve as a reminder to all Americans of the support our servicemen and women deserve before, during, and after war.

Our voluntary Armed Forces are replete with men and women of extraordinary devotion to duty who are willing to following Congressman SAM JOHNSON's example of steadfast devotion to duty in the face of torturous conditions. We must unite as a Nation in support of our troops as we face a time of great danger to our freedom from terrorists at home and abroad.

Like Congressman JOHNSON, we can rely on our troops' dedication to protect our way of life. We need to do our duty to ensure that they have the material and moral support they need to accomplish the difficult task ahead.

Congressman JOHNSON's service demonstrated the highest virtues of patriotism. It is humbling to me as a current member of the South Carolina Army National Guard and a source of pride as I am the father of three sons in the military service who strives to follow Congressman JOHNSON's historic and heroic example.

We thank Congressman JOHNSON for his service to our country. It is an honor to know you. It is an honor to have you as chairman of the subcommittee that I serve on in the Committee on Education and the Workforce. God bless you.

Mr. SNYDER. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, through this resolution we express our deepest gratitude to those who endured the cruel conditions as POWs in Vietnam, to their families who suffered at home, and to the sacrifice of every American who defends our freedom.

Our congressional colleagues, the gentleman from Florida, Mr. PETERSON; Senator JOHN MCCAIN of Arizona; and the gentleman from Texas (Mr. SAM JOHNSON) spent bitter years in the Hanoi Hilton in Vietnam.

In my area of southwest Georgia, the Andersonville Historic Site where the Nation's Prisoner of War Museum and memorial are located tell the story intensely of the suffering and the limitless courage of our prisoners of war throughout history.

One of my boyhood friends was a fighter pilot lost for 30 years on a combat mission in Vietnam whose remains were just recently found. One of my constituents was a soldier serving on the joint task force in Southeast Asia who lost his life last year in an air crash during a search mission. I knew these wonderful young men personally, and I know what their families went through.

Madam Speaker, this resolution pledging never to rest until we have a full accounting for every American lost in action honors the services and the sacrifices that literally made America the home of the free, the land of the brave.

Madam Speaker, I am proud to stand here today to give tribute to our colleague, SAM JOHNSON, and others and all Americans who have served as prisoners of war and to also salute ex-prisoners of war who worked so hard to

dedicate the memorial in Andersonville to the cause that our men and women sacrificed for as prisoners of war. I thank them for this honor. I thank them for what they do and the sacrifices they have made.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to the distinguished gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Madam Speaker, I am privileged to speak today in honor of my friend, the gentleman from Texas (Mr. SAM JOHNSON). The gentleman is one of the kindest, most thoughtful human beings I know, a principled and unwaivering man. He fights like a lion for what he holds dear. He is truly a man of mettle and conviction.

□ 1530

SAM is also a war hero if ever there was one. I cringe when I think of the incredible price he paid for the freedom of this great Nation, 7 years as a prisoner of war. We all owe him a debt of gratitude.

Today Congress recognizes SAM JOHNSON's sacrifice and his service to America. In so doing, we again acknowledge freedom at its high cost and remember those soldiers who did not return home. Fortunately for us, SAM did.

I thank the Chair for the chance to honor SAM.

Mr. HUNTER. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I rise on this occasion to salute the tremendous courage and profound sacrifices that American POWs made for our country during the Vietnam conflict. One of those courageous POWs is my friend and our distinguished colleague, Congressman SAM JOHNSON of Texas.

Forced to endure severe torture, solitary confinement, malnutrition and attempts by their captors to force confessions for propaganda, SAM JOHNSON and countless other American POWs conducted themselves with uncommon courage and heroic strength of character.

I recall a veterans breakfast that Congressman JOHNSON attended in my District with our distinguished colleague, the gentleman from California (Mr. CUNNINGHAM), a fellow Vietnam veteran. While trying to convey the ideals that kept him going as he once thought capture by the North Vietnamese was imminent, the gentleman from California (Mr. CUNNINGHAM) was choked by emotion.

Putting his arm around him, SAM JOHNSON finished his sentence, stating those ideals simply and eloquently, ''God and country, God and country.'' Every veteran in the room rose to their feet in standing ovation.

Madam Speaker, as a Texan and as an American, I am proud to rise and salute patriot SAM JOHNSON.

Mr. SNYDER. Madam Speaker, I have no speakers, and I yield 4 minutes of our time to the gentleman from California (Mr. HUNTER) to use as he sees fit.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUNTER. Madam Speaker, I want to thank the gentleman from Arkansas (Mr. SNYDER) for his bipartisan gesture and great work on this particular issue.

Madam Speaker, I yield 45 seconds to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, I am going to quote SAM JOHNSON's wife. I do not think anybody today has done that. Let me tell my colleagues what Shirley says: ''When he makes up his mind he's going to do something, he doesn't make a big deal of it. He just does it.''

These words, of course, stood true in perhaps one of Mr. JOHNSON's greatest tests, the hellish 82 months he spent as a prisoner of war in the Hanoi Hilton. Bound by a faith in God and a love of country, Congressman SAM JOHNSON is a man who has given 29 years to the United States Air Force, 52 years to his wife Shirley, and a lifetime to his country.

SAM, congratulations on the 30-year anniversary of freedom and patriotism for this country. I am proud to serve with him on the Air Force Caucus, which he helped to start.

Resilient, courageous, steadfast, a patriot, and a friend; SAM JOHNSON is all of these things to me. He is a man of unwavering commitment to the betterment of this country. As both a statesman and an airman, SAM JOHNSON has fought both for the sovereignty of democracy and our children's future. From the battlefields of Korea and Vietnam to the Halls of Congress, this ''Top Texan'' has never lost sight of his objective, because in his wife Shirley's words, ''When he makes up his mind he's going to do something, he doesn't make a big deal out of it. He just does it.'' These words of course stood true in perhaps one of Mr. JOHNSON's greatest test, the hellish 82 months he spent as a prisoner of war at the Hanoi Hilton. Under constant physical and mental duress SAM JOHNSON never forgot his commitment to his family, his men, and his country. One of the 12 remaining combat tested members of Congress, Mr. JOHNSON represents an elite club of men who have taken up arms in the defense of our way of life. We gather today to commemorate the 30th anniversary of Mr. JOHNSON's release from imprisonment and the amazing things he has accomplished in those short 30 years. Bound by faith in God and a love of Country, Congressman SAM JOHNSON is a man who has given 29 years to the Air Force, 52 to his wife, and a lifetime to his country.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to another gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Madam Speaker, February 12, 1973, I was a graduate student at the Krannert School in Purdue University up in West Lafayette, Indiana, just another day for me; for Lieutenant Colonel SAM JOHNSON, it was the first day he had been able to breathe free air in over 7 years.

If we look in the dictionary under ''patriot,'' we ought to see SAM JOHNSON. If we look in the dictionary under ''hero,'' we ought to see SAM JOHNSON.

Director of the Top Gun school; Thunderbird pilot; decorated for two wars, Vietnam and Korea; holder of two Silver Stars; two Legions of Merit; the Distinguished Flying Cross; one Bronze Star with Valor; two Purple Hearts; four Air Medals; and three outstanding unit citations.

By any means he is a hero. He is an American patriot. He is my friend. I am glad he is in the House of Representatives. God bless you, SAM and Shirley Johnson.

Mr. HUNTER. Madam Speaker, in the wake of that eloquent statement by the gentleman from Texas (Mr. BARTON), I yield 45 seconds to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Madam Speaker, I stand here to recognize a distinguished Member of the House of Representatives, a 29-year veteran of the United States Air Force, Colonel SAM JOHNSON, who is my next-door neighbor in North Texas.

Today marks the 30th anniversary of Congressman JOHNSON's return from Vietnam as a result of Operation Homecoming, the project that brought home hundreds of men and women who had sacrificed their lives for our great country and served in Vietnam.

It is a tremendous honor for me to serve in this Chamber with Colonel JOHNSON. He is a true American hero, a man who sacrificed his life for the betterment of all of us and this country. He knows the true meaning of freedom because he fought for it, and he spent 7 long years as a POW in Vietnam, over half of that in solitary confinement.

He has dedicated his life to God, his country and his family. Congressman JOHNSON is a fine example to our future generations of a hero. Congressman JOHNSON was willing to give of his life in the fight for freedom.

Today and every day, when I look at the American flag, the flag that he fought for, I will remember the sacrifice that he made.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Madam Speaker, I rise today to join my colleagues in honoring the extraordinary accomplishments of a true hero. On the 30th anniversary of his return from captivity, SAM JOHNSON deserves a far greater tribute than we can offer today. However, the debt of honor we owe to this great American compels us to do our part to bring attention to the impact his example and leadership provide to each of us.

Every person in this room, in the gallery and on the floor, has served his

country, but even the achievements of those of us with a lifetime of military service pale in comparison to the service and sacrifice exemplified by Congressman SAM JOHNSON. Not one individual in this room has attained the level of service and sacrifice exemplified by the gentleman from Texas. He is an American hero.

It has been a privilege to know SAM during my brief tenure as a Member of Congress. I look forward to learning from his wisdom as we serve together.

His service is exemplary, his experience unparalleled. I rise to honor this American hero.

Mr. SNYDER. Madam Speaker, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Madam Speaker, I thank the gentleman for yielding me the time; and thanks to my colleagues who had the compassion and the wisdom to bring forth this very vital resolution before the House today.

I wanted to add my gratitude and my applause to the Honorable SAM JOHNSON for the yeoman service that he has given to this great United States, the gentleman from Texas, and oftentimes when I have barely been able to get over to the floor, he walks through the tunnels with a great deal of pride and strength, and I just admire him so much. He does not know the many ways that he has given me the momentum to walk on here to the House.

Along with Congressman JOHNSON and all of the other wonderful women and men who have made this extreme sacrifice in terms of serving our country to preserve its freedom, I wanted to give my thanks and gratitude to that yeoman group of people and to pray for the safe return of those yet unfound.

I would also like to add, Madam Speaker, that I come from the State of Indiana. The lieutenant governor there is the Honorable Joe Kernan, and Mr. Kernan entered the United States Army in 1969 and served as a naval flight officer on the USS *Kitty Hawk*, and in May of 1972, he was shot down by the enemy when he was engaged in a reconnaissance mission over North Vietnam.

He was held as a prisoner of war for months. He was repatriated in 1973 and continued on active duty until December 1974.

For his service, the Honorable Joe Kernan has received numerous awards, including the Commendation Medal, two Purple Hearts and the Distinguished Flying Cross. He is also a graduate of Notre Dame in Indiana.

So there are countless unnamed and unrecognized heroes who are similarly situated, and I just wanted, on behalf of the people that I represent, the proud State of Indiana, to add my support to this needed resolution.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to the gentleman from Texas (Mr. CARTER), another one of SAM's Texas colleagues.

Mr. CARTER. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, as a freshman member of the Texas delegation, I am honored to be serving alongside Congressman SAM JOHNSON. It was on this day 30 years ago that SAM arrived home after almost 7 years as a prisoner of war in Vietnam. He spent his first 3½ years as a prisoner of war in solitary confinement.

SAM managed to survive these years while maintaining a strong sense of pride and an unrelenting faith in God, country and duty. Not only is SAM a Vietnam veteran, he is a testament to the greatness of American military men and women.

Upon returning with his fellow officers, his first words were, ''Lieutenant Colonel SAM JOHNSON reporting for duty, sir.'' SAM reported for duty, and to this day he has never left his post serving America.

I thank SAM for all the sacrifices he has made and for the example he makes for this House.

Mr. SNYDER. Madam Speaker, I yield myself such time as I may consume.

If I might, reference was made earlier to SAM's wife. I know this is a very small book, but I have here a picture of Shirley and SAM from 1952, and our staff member Debra Wada says SAM is even better looking today than he was here in 1952.

Madam Speaker, I reserve the balance of my time.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to the gentleman from Texas (Mr. CULBERSON), another one of SAM's Texas colleagues.

Mr. CULBERSON. Madam Speaker, the book of Proverbs teaches that the greatest profession, the most valuable profession on Earth, is our good name, and by that measure, SAM JOHNSON is one of the wealthiest men in America.

It has been my privilege to serve with SAM in the Texas house, to sit next to him on the floor there, and my great privilege to serve with him here; and I have seen firsthand SAM's devotion to duty, to his country, to honor, to his core principles. SAM JOHNSON does not take polls to help him decide how to vote.

He has been a mentor to me, to all of us who serve with him. We love him and admire him, and we are immensely grateful to him for his service to this Nation, and it truly is one of the great privileges of my life that I have had the privilege to be here with him, to serve with him; and I salute him and thank him so much for his service to this country.

Mr. SNYDER. Madam Speaker, I yield whatever time I have remaining to the gentleman from California (Mr. HUNTER) for purposes of control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUNTER. Madam Speaker, first, I thank my colleague for that gracious gesture. How much time do we have remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. HUNTER) has 12¾ minutes remaining.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Speaker, those of us who have served our country in the war understand in our hearts what every American understands in his head. We understand the words carved in stone down at the Korean War memorial, the words, ''Freedom is not free.''

Thousands of Americans have died in a war, but of those who did not die, few have gone through what our friend and colleague SAM JOHNSON went through in Vietnam. For years he suffered torture, imprisonment and solitary confinement. They worked on him relentlessly to break his spirit, but the spirit of SAM JOHNSON could not be broken. He refused to betray his country. He refused to give up his faith in God.

I had the privilege of visiting in that prison where he was in solitary 2 weeks ago. It was a horrible place. SAM is a living hero. He is an example to us all. He is living proof that what America stands for is right and just and good.

I thank SAM for his service to our country, and as a fellow vet, I salute him.

Madam Speaker, those of us who have served our country in war understand in our hearts what every American understands in his head. We understand what it says—carved in stone—on the Korean War Memorial down at the other end of the National Mall. The words ''FREEDOM IS NOT FREE.'' Thousands of families have died in war. But of those who did not die, few have gone through what our friend and colleague SAM JOHNSON went through in Vietnam.

For years he suffered torture, imprisonment, and solitary confinement. They worked on him relentlessly to break his spirit. But the spirit of SAM JOHNSON could not be broken. He refused to betray his country. And he refused to give up his belief & faith in his God.

I visited that prison 2 weeks ago in Hanoi. Sam is a living hero. He is an example to us all. Thank you SAM. SAM, I salute you.

Mr. HUNTER. Madam Speaker, I yield 45 seconds to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Madam Speaker, I thank the gentleman for yielding me the time.

I have not read this book ''Captive Warriors'' yet, but I am going to read it. I have known the gentleman for many years, and I have never been able to get out of him a lot of the things that happened to him in Vietnam, but I want him to know that from other people I have learned that he really is a hero, and he is a credit not only to the service of this country, the armed services, but he is a credit to this House as well.

One of the proudest things that I can say about being a Member of Congress is, SAM JOHNSON is my friend.

□ 1545

Mr. HUNTER. Madam Speaker, I yield myself 2½ minutes.

In that great book, ''The Bridges at Toko Ri,'' one of James Michener's main characters was the commander of an aircraft carrier. After the hero in the book had flown off against those bridges at Toko Ri in North Korea and been lost, he stood on the ship and he asked where does America find these men who are willing to go in the service, in this case in the U.S. Navy, who fly off these small pitching aircraft carriers, fly to a distant target, heavily defended, and if they are successful in penetrating all that flack and air cover they try to get back and find that little postage stamp out at sea and make a successful landing?

That book was set against the backdrop of a war that was not widely heralded in the United States: the Korean War. It was a time when a lot of folks were focusing on having a rush-back from World War II, having families and building lives and getting jobs and building businesses; and we were not concentrating on that area of the world, that conflict. Yet a lot of Americans gave their lives. That question that was asked, where does America get these men, could just as easily have been a question about those great people that flew off the tarmac in those TAC air bases and strategic air bases or long-range air bases that flew missions over North Vietnam. SAM JOHNSON is one of those guys, a guy from San Antonio, Texas.

Madam Speaker, it has been brought out in all this discussion of whether we should have a draft and who participates and who bears the burden and who does not bear the burden that there is a disparate burden of defending this country, and that is why I think it is important for all of us to look to SAM because he is a model of our finest citizens. And like the gentleman from California (Mr. CUNNINGHAM), the gentleman from Pennsylvania (Mr. PITTS), and others who have been pilots, like a lot of our great veterans who have been here in this body, he embodies that call to a higher duty, a duty that is most of the time inconvenient, and some of the times dangerous, but always the most important duty that one can fulfill on behalf of this country, and that is protecting us, giving us our security.

Madam Speaker, I yield 45 seconds to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Speaker, I could not resist this tribute to the gentleman from Texas (Mr. SAM JOHNSON).

When I think of many of America's heroes, individuals who were challenged, when you give your reflection, you know you were challenged. When America's children ask the questions: Who are our heroes? Do mentors still exist? Are there living idols? The answer is yes.

Sam lived his life in such a manner that his character is formed with the virtues and values that have been tested. I am privileged to serve here in this body with him, and I know that he represents a lot of his comrades who served with him, some of whom were not the lucky ones because they did not get to come home. I know SAM holds them close to his breast in memory, along with their families.

It is a true and distinct honor to serve in this body with you, SAM. Godspeed, my friend.

Mr. HUNTER. Madam Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Madam Speaker, I thank the gentleman for yielding me this time, and I would also like to pay tribute to those who were held prisoners of war during the Vietnam conflict.

I do not know a lot of those individuals, obviously Senator MCCAIN; but I do know SAM JOHNSON, who is a representative of that, and I know that he has all the strengths that one could ever want in an American.

Sam and I are a little different politically, shall we say. I am a little more moderate than he is. He can be pretty tough on some issues. And no matter what I say today, he will probably still not vote the way I would want him to all the time. But sitting next to him in the Committee on Education and the Workforce, I can still say for certain that he is a person of tremendous character.

To go through the experience that he has gone through, to represent all the interests of defending our country, and then to come back to be able to contribute the way he has on a regular basis is something in his system that I do not think the average person has in his or her system. And for all those reasons I have to believe that all the others who went through that must have been men of incredible strength and character.

So it has been an honor and a pleasure and a privilege to work with SAM, and to work with all the others. But I just wanted to also say thanks to SAM for his service to this country.

Madam Speaker, I rise today to pay tribute to the military personnel who were held captive during the Vietnam conflict, and to those who have yet to be accounted for.

Today, as we consider the prospects of a war with Iraq, it is important that we remain mindful of the great sacrifices our past soldiers have made in the defense of freedom.

The Vietnam conflict has often been categorized as a dark spot in our nation's history, yet for the U.S. soldiers who suffered from unspeakable acts while prisoners within Vietnam, the pain that they carry with them is not a part of history; it is as real today as it was thirty years ago. And for the 1,902 Members of the U.S. Armed Forces who remain unaccounted for, we must emphasize our commitment to not forget their continued sacrifices.

In the midst of such uncertainty, we must honor the POWs who languished in horrible conditions until their release in beginning in February of 1973, during ''Operation Homecoming.'' A part of them may have been left behind in Vietnam, but in the end, they were able to rely upon the courage and determination that makes the U.S. Armed Services the best in the world, and ultimately survive to return home to their country and to their families.

Today, I want to remember these POWs and the 1,902 Members of the U.S. Armed Forces who remain unaccounted for. And I would also like to pay tribute to my friend SAM JOHNSON, who was among those released during the first day of Operation Homecoming.

SAM, whose distinguished service to his country did not end after his return, followed up an illustrious career in the Air Force with a successful career as a developer, a Texas Legislator, and a Member of Congress since 1991. I have served with SAM on the Education and Workforce Committee and value his friendship and resolve.

Like many others, who could have shrunken away from the duties of society because of the war, SAM rose above and celebrated his cherished freedom. Now a distinguished public leader, SAM has endured the horrors of war for our country, and in turn has given us much hope and optimism for the future of our nation.

In conclusion, I want to thank SAM for his service to the United States; and I want to honor all of those who were POWs in Vietnam. You all served your country admirably and we must not rest until everyone is accounted for.

Mr. HUNTER. Madam Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from California (Mr. HUNTER) has 7¼ minutes remaining.

Mr. HUNTER. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I would just like to say that the gentleman from California (Mr. CUNNINGHAM), I know if he possibly could he would be here speaking for his old buddy, SAM JOHNSON, another great pilot and the only Mig ace from Vietnam, and a guy who really, really loves SAM JOHNSON.

Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON), the man who is the subject of this resolution.

Mr. SAM JOHNSON of Texas. Madam Speaker, I thank the gentleman so much, and all our colleagues; but you know, this is not about me. This is about our American fighting men that keep America free, the guys and gals the world over. And they are all over the world right now, defending freedom not just for the United States of America but for the world.

I have been a member of the U.S.-Russia Commission on POWs and MIAs now for almost 10 years. We are trying to find out what happened to our missing in action, to those who did not return home from World War II, Korea, the Cold War, Vietnam and Iraq, if we have one there. So we have not given up on anyone, and I think that is what America stands for. It stands behind its military. We will go to extreme measures to make sure we recover our people and/or find out what happened to them. We are still pursuing that effort. There are as many as 70,000 from World War II that are missing in action, some 8,000 from Korea, some 1,800 from Vietnam, and maybe one from Iraq.

So this Nation is the greatest Nation in the world, and I and my colleagues who fought for it would say that, even though we were POWs, if we were required to go fight for this Nation again for the freedoms we enjoy, we would do it in a New York minute. So I thank all my colleagues for recognizing the POWs and for recognizing our servicemen and women around the world and all the great things they do for us, and many thanks as well for helping me in this House of Representatives to make this a better Nation for all of us to live in. We are free and independent, one Nation under God.

God bless you all. Thank you for today.

Mr. HASTERT. Madam Speaker, there just aren't enough words to describe a man who has led such an adventurous, challenging, and courageous life as SAM JOHNSON. He is a decorated war hero, a distinguished public servant, and a dedicated husband, father, and grandfather.

There have been many great public servants who have passed through these great Halls of Congress, and SAM is certainly one of them. These are men and women who have worked tirelessly for their constituents, who have faced difficult challenges, and who rarely, if ever succumbed to the challenges that have come before them, even when it seemed impossible. SAM JOHNSON has brought honor, dignity and respect to this great institution.

During his 29 years as a U.S. Air Force pilot, SAM flew combat missions in both the Korean and Vietnam Wars, and was a prisoner of war in Hanoi for almost seven years. His service in the military earned him many medals that serve as reminders to us all of his courage and personal sacrifice for our country. In total, he was bestowed with fifteen medals and awards, all of which were given to him for the heroism he displayed during both wars. In fact, today is the 30-year anniversary of his arrival back to America after his long torturous imprisonment in Vietnam. It was this day thirty years ago that SAM left that distant land and returned home to his loved ones.

I will always remember SAM to be a man of great accomplishments, a gentleman that I have had the honor to serve with for over ten years. He will be remembered not only for his public service to those in Texas, but also for his selfless sacrifice for all Americans. Thank you SAM.

Mr. CUNNINGHAM. Madam Speaker, I rise in support of this resolution recognizing the courage and sacrifice of those who were held prisoners of war in Vietnam on the 30th anniversary of their release, and calling for a full accounting of those who never returned. This remembrance has a special meaning—not just for those like myself who served in Vietnam and saw the horrors inflicted by our enemy, but for those held captive so long, it is an especially emotional day. And I rise in honor of each of those POWS, for their service to this nation and the sacrifice that stands today as a testament to the greatness of our free nation.

On this fitting occasion, I also want to honor one of those POWs, a great friend and hero of mine and many Americans, and our colleague, SAM JOHNSON. SAM and I shared long careers as fighter pilots before coming to Congress. Although we continue to argue to this day over the accomplishments of Navy versus Air Force fighters, we have developed a strong bond over those shared experiences and our commitment to carry forward the lessons we learned from them.

SAM, and I have travelled together extensively, speaking to veterans' groups and working to ensure that Americans understand the importance of supporting the military—particularly at times like these when our troops are defending freedom around globe. As one who was shot down in combat myself, I know how difficult it is to talk about those harrowing experiences—and you won't hear that from SAM, nor him boasting that record of service or sacrifice. But it is clear from the historical records and the testimony of those who served with him that he is an American hero, and more that worthy of the numerous military awards and national recognition he ultimately earned. From his numerous combat missions and enemy kills, to the inner strength that earned him the label ''die hard'' by his captors, SAM stands out as an example of true American strength. On this anniversary of Operation Homecoming, I want to recognize SAM'S accomplishments, his bravery, courage, sacrifice and service to this nation. Godspeed, my friend, from this Navy pilot.

Mr. SIMMONS. Madam Speaker, I rise today in support of H. Res. 62, recognizing the members of the United States Armed Forces who were held prisoners of war during the Vietnam War, while calling for a full accounting of the 1,902 members of the Armed Forces who remain unaccounted for from the Vietnam War.

As a member of the House Armed Services Committee, and a veteran of the Vietnam War, I take great care in this matter. For generations, Americans have taken extraordinary steps to account for all members of our Armed Forces who were lost fighting to preserve the freedoms we enjoy today.

I wish to share with my colleagues the compelling story of Captain Arnold Holm, a native of Waterford, Connecticut, whose recovery case remains active. Captain Holm was declared killed in Vietnam when his helicopter was shot down on June 11, 1972. Arnie Holm was a sports star in high school, when to Springfield College on a sports scholarship and left to enlist in the U.S. Army. He was fighting for what he believed in when his helicopter was hit in the summer of 1972. In an even more tragic twist, a second helicopter, sent to execute a rescue mission for Capt. Holm and his men, was also shot down, resulting in the death of pilot Lt. McQuade and his entire crew.

After relations with the Vietnamese government improved, missions to discover and recover the remains of nearly 2,000 personnel lost in Vietnam began. While the crash sites of Capt. Holm and Lt. McQuade were very close to one another, only the remains of Lt. McQuade were recovered. This year the United States will support a recovery mission in Vietnam to seek and recover Capt. Holm.

As we consider legislation to recognize the sacrifice made by Prisoners of War, we also commit again to accounting for all armed services members who remain Missing in Action. We must find and return the remains of Capt. Holm, and all MIAs, so that their families and friends see the real commitment our government has for our men and women in uniform.

Mr. REYES. Madam Speaker, I wish to voice my strong support for House Resolution 62, which honors the observance of the 30th Anniversary of Operation Homecoming. This resolution honors the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during Vietnam and returned home as part of Operation Homecoming.

For most Americans, it is difficult to conceive of the harsh reality that these prisoners of war had to endure. And it is important to appreciate the sacrifice that these men made, and that service members today are prepared to make, in defense of our freedoms.

The first group of American prisoners of the Vietnam War returned home as part of Operation Homecoming on February 12, 1973 and the last returned in April of the same year. These American prisoners of war fought for our country with valor and sacrifice. Mr. SAM JOHNSON, our very own esteemed colleague, is among these heroes.

After entering the U.S. Air Force at the young age of 20, Mr. JOHNSON was held captive as a prisoner of war in Hanoi. For seven years, half of that time in solidarity confinement, this brave individual was held captive, until returning back home on February 12, 1973, 30 years ago this day, as part of Operation Homecoming.

Mr. JOHNSON returned home a hero with several distinctions including two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, one Bronze Star with Valor, Two Purple Harts, four Air Medals, and three Outstanding Unit Awards. The service he offered to his country is one that we, as a nation, recognize as the greatest sacrifice for the survival of freedom and liberty. He has dedicated his career to the safety and security of his country, and has further dedicated his professional life to civic service.

Ironically, JOHNSON was one of the lucky ones. He came back home. Almost two thousand members of the United States Armed Forces remain unaccounted for. We must never forget their sacrifices and we must continue the effort to determine what became of them.

As a veteran of the Vietnam War, and as the U.S. Representative of a district that proudly includes nearly 60,000 veterans, I urge my colleagues and everyone across the nation to remember the ordeals experienced by our former prisoners of war. They carried a great burden so that we might live in freedom and prosperity.

Mr. BOEHNER. Mr. Speaker, I rise today in support of the resolution; but more than that, I rise to honor my dear friend and colleague, SAM JOHNSON of Texas,

Thirty years ago today, SAM was released from captivity as a prisoner of war in Hanoi during the Vietnam War. He spent nearly seven years as a prisoner—half of that time in solitary confinement. His experiences in Hanoi were nothing short of remarkable.

For example: while held captive, SAM committed to memory 374 names of other prisoners of war by tapping a special code on the wall.

Why? In case some got out.

In Hanoi, he also endured unspeakable torture—72 days in leg stocks, followed by another two and a half years in leg irons, and of course, 42 months in solitary confinement.

After his three and a half years in solitary confinement ended, SAM was finally allowed to return to a joint cell. According to a fellow prisoner of war, he walked into the room with the

two other detained American officers, stood at attention with tears in his eyes, and simply said, ''Lieutenant Colonel SAM JOHNSON reporting for duty, sir.''

Madam Speaker, there's no better way to describe a hero than retelling that story.

Today, I am proud to serve with SAM on the House Education and the Workforce Committee. Together, we're working to reform our education, pension, and health care laws for generations to come.

SAM is an effective subcommittee chair, an astute legislator, and a terrific representative of his constituents at home in Texas. His continued to service to his nation is most admirable.

To SAM, I thank you for your 29-year career in the Air Force, your courage and sacrifice, and your continued commitment to this country by serving in its Congress. On this important anniversary, I salute you and wish you and your wife Shirley the very best in the years to come.

Mr. COLLINS. Madam Speaker, I have the privilege to sit on the Ways and Means Committee here in Congress with SAM JOHNSON. I consider him to be my friend. More than that. He is a true American Hero. You see, SAM JOHNSON was an F-4 Fighter-Bomber pilot in Vietnam. SAM was shot down and captured by the North Vietnamese in 1966. For the next 7 and a-half years he was a prisoner of war in what the POW's referred to as Alcatraz. This was a prison for the strongest willed of American prisoners of war. A place where the Vietcong would try to break the will of those who stood against it.

For three years of his time, SAM was in solitary confinement. Other than the frequent times when the enemy took him and brutally tortured him, he never had any contact with another human being for that entire time.

To communicate with one another, the prisoners developed a system of taps with their fingers on the walls and floors of their cells. This allowed them to provide each other their names and ranks so that if one of them should escape or be released, they would be able to tell American intelligence who was alive and in what prison they were being housed.

While in Alcatraz, SAM met another pilot. This pilot was also in the camp for 7 and a-half years, three of which were spent in solitary confinement. Colonel Jeremiah Denton also endured years of torture, abuse, degradation, untreated injuries, malnutrition, years of separation from his wife and family, and conditions that most human beings would consider impossible to survive.

Both of these men were in Vietnam to serve their country. To fight for American interests and to bring democracy to an oppressed people. While some back home were protesting the war, these men didn't let that influence their mission. They were heroes who stood strong, never renouncing their nation. They always supported the United States throughout.

During an interview with the media during his imprisonment, Denton was asked about his support of U.S. policy concerning the war. He replied: ''I don't know what is happening now in Vietnam, because the only news sources I have are North Vietnamese, but whatever the position of my government is, I believe in it, I support it, and I will support it as long as I live.''

When the prisoners were released in 1973, they were flown to Clark Field in the Philippines before being flown home. President Ronald Reagan summarized that moment best in his State of The Union Address before Congress in 1982:

He said, ''We don't have to turn to our history books for heroes. They are all around us. One who sits among you here tonight epitomized that heroism at the end of the longest imprisonment ever inflicted on men of our armed forces. Who will ever forget that night when we waited for the television to bring us the scene of that first plane landing at Clark Field in the Philippines—bringing our POWs home. The plane door opened and Jeremiah Denton came slowly down the ramp. He caught sight of our flag, saluted, and said, 'God Bless America,' then thanked us for bringing him home.''

As the senior officer on the plane, Denton was asked to go to the mircrophone and say a few words. What he said that day fully captures that American spirit which so motivates young men and women to serve their country. ''We are honored to have had the opportunity to serve our country under difficult circumstances. We are profoundly grateful to our Commander-in-Chief and to our Nation for this day. God bless America.''

It is no wonder to me that the American people elected Jeremiah Denton to the United States Senate, and SAM JOHNSON to the United States House of Representatives. But their story is repeated countless times in the thousands of American prisoners of war who returned home after that long conflict and after other wars and conflicts throughout the years.

It is repeated in every voice of every serviceman and woman who takes an oath to support and defend the Constitution of the United States. It is echoed in every snap of the American flag as it flaps in the wind, and seen meandering through the rows of crosses in every military cemetery in which American soldiers, sailors, airmen, and Marines are buried.

You see, America has never been an oppressor nation. Each time troops have been sent to battle, it has been to carry on the ideals of freedom and liberty. Each free breath we take, every moment we live without oppression makes that sacrifice worthwhile.

Yes, serving your country can be hard. Just ask SAM JOHNSON and Jeremiah Denton. But if it was easy, everyone would do it. It is the fact that it is hard that makes it worth doing.

Since the fall of Saigon in 1975, we have failed to locate 1,948 Americans in Vietnam, including 38 civilians.

It is our duty, as a nation, and as a Congress, to continue pursuing every available avenue, until we have located and brought home every one of our service personnel from Vietnam.

One veteran we were able to bring home after many years summed up this duty best before he disappeared in 1970.

Major Michael O'Donnell, who flew many rescue missions in his helicopter while in Vietnam, expressed it this way.

''If you are able, save for them a place inside of you and save one backward glance when you are leaving for the places they can no longer go. Be not ashamed to say you loved them, though you may or may not have always. Take what they have left and what they have taught you with their dying and keep it with your own. And in that time when men decide and feel safe to call the war insane, take one moment to embrace those gentle heroes you left behind.''

After many years, Major O'Donnell's remains were finally returned home in 1995 and positively identified in 2001.

It is my hope that some day, we can say that every one of our men and women who have served their nation has finally come home.

Madam Speaker: It is my honor to stand on this floor today and express my profound gratitude for the service of our men and women in our armed forces. Their commitment and sacrifice are the ultimate price for our security and liberty. It is my prayer that every one of them would come home to us healthy and safe. It is my commitment that if that is not possible, we will still bring them all home so they may rest among those they served in the peace they helped to forge. To me, that is the greatest memorial we can provide for these brave souls.

In closing, I just want to echo the sentiment of my colleagues in saying to every POW and MIA; you are not forgotten.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the resolution, H. Res. 62.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HUNTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RESIGNATION AS MEMBER OF COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Education and the Workforce:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I respectfully request permission to resign from the House Committee on Education and the Workforce effective immediately. Thank you for your consideration of this request.

Sincerely,

MARK SOUDER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR DENNY: As discussed with you and your staff, in response to your request I am happy to accept a position on the Budget Committee as its Vice-Chairman.

It is my understanding this requires me to temporarily resign, or go ''on leave,'' from the Committee on Science, but that I will be able to retain my position and seniority on that committee for the future.

I am grateful for this opportunity and appreciate the confidence you have placed in me.

Sincerely,

CHRISTOPHER SHAYS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT: With this letter, please accept my resignation from the House Committee on Veterans Affairs, effective immediately.

Should you have any questions, please feel free to contact me.

Sincerely,

JIM GIBBONS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT OF MEMBERS TO SELECT COMMITTEE ON HOMELAND SECURITY

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 5, 108th Congress, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Select Committee on Homeland Security:

Mr. COX of California, Chairman;
Ms. DUNN of Washington;
Mr. YOUNG of Florida;
Mr. YOUNG of Alaska;
Mr. SENSENBRENNER of Wisconsin;
Mr. TAUZIN of Louisiana;
Mr. DREIER of California;
Mr. HUNTER of California;
Mr. ROGERS of Kentucky;
Mr. BOEHLERT of New York;
Mr. SHAYS of Connecticut;
Mr. SMITH of Texas;
Mr. WELDON of Pennsylvania;
Mr. GOSS of Florida;
Mr. CAMP of Michigan;
Mr. LINCOLN DIAZ-BALART of Florida;
Mr. GOODLATTE of Virginia;
Mr. ISTOOK of Oklahoma;
Mr. KING of New York;
Mr. LINDER of Georgia;
Mr. SHADEGG of Arizona;
Mr. SOUDER of Indiana;
Mr. THORNBERRY of Texas;
Mr. GIBBONS of Nevada;
Ms. GRANGER of Texas;
Mr. SESSIONS of Texas;
Mr. SWEENEY of New York;
Mr. TURNER of Texas;
Mr. THOMPSON of Mississippi;
Ms. LORETTA SANCHEZ of California;
Mr. MARKEY of Massachusetts;
Mr. DICKS of Washington;
Mr. FRANK of Massachusetts;
Ms. HARMAN of California;
Mr. CARDIN of Maryland;
Ms. SLAUGHTER of New York;
Mr. DEFAZIO of Oregon;
Mrs. LOWEY of New York;
Mr. ANDREWS of New Jersey;
Ms. NORTON of the District of Columbia;
Ms. LOFGREN of California;
Ms. MCCARTHY of Missouri;
Ms. JACKSON-LEE of Texas;
Mr. PASCRELL of New Jersey;
Mrs. CHRISTENSEN of the Virgin Islands;
Mr. ETHERIDGE of North Carolina;
Mr. GONZALEZ of Texas;
Mr. LUCAS of Kentucky;
Mr. LANGEVIN of Rhode Island; and
Mr. MEEK of Florida.

□ 1600

DO-NOT-CALL IMPLEMENTATION ACT

Mr. TAUZIN. Madam Speaker, pursuant to the previous order of the House, I call up the bill (H.R. 395) to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 395 is as follows:

H.R. 395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Do-Not-Call Implementation Act''.

SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REGISTRY FEES.

The Federal Trade Commission may promulgate regulations establishing fees sufficient to implement and enforce the provisions relating to the ''do-not-call'' registry of the Telemarketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)), promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.). Such regulations shall be promulgated in accordance with section 553 of title 5, United States Code. Fees may be collected pursuant to this section for fiscal years 2003 through 2007, and shall be deposited and credited as offsetting collections to the account, Federal Trade Commission—Salaries and Expenses, and shall remain available until expended. No amounts shall be collected as fees pursuant to this section for such fiscal years except to the extent provided in advance in appropriations Acts. Such amounts shall be available for expenditure only to offset the costs of activities and services related to the implementation and enforcement of the Telemarketing Sales Rule, and other activities resulting from such implementation and enforcement.

SEC. 3. FEDERAL COMMUNICATIONS COMMISSION DO-NOT-CALL REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall issue a final rule pursuant to the rulemaking proceeding that it began on September 18, 2002, under the Telephone Consumer Protection Act (47 U.S.C. 227 et seq.). In issuing such rule, the Federal Communications Commission shall consult and coordinate with the Federal Trade Commission to maximize consistency with the rule promulgated by the Federal Trade Commission (16 C.F.R. 310.4(b)).

SEC. 4. REPORTING REQUIREMENTS.

(a) REPORT ON REGULATORY COORDINATION.—Within 45 days after the promulgation of a final rule by the Federal Communications Commission as required by section 3, the Federal Trade Commission and the Federal Communications Commission shall each transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report which shall include—

(1) an analysis of the telemarketing rules promulgated by both the Federal Trade Commission and the Federal Communications Commission;

(2) any inconsistencies between the rules promulgated by each such Commission and the effect of any such inconsistencies on consumers, and persons paying for access to the registry; and

(3) proposals to remedy any such inconsistencies.

(b) ANNUAL REPORT.—For each of fiscal years 2003 through 2007, the Federal Trade Commission and the Federal Communications Commission shall each transmit an annual report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report which shall include—

(1) an analysis of the effectiveness of the ''do-not-call'' registry as a national registry;

(2) the number of consumers who have placed their telephone numbers on the registry;

(3) the number of persons paying fees for access to the registry and the amount of such fees;

(4) an analysis of the progress of coordinating the operation and enforcement of the ''do-not-call'' registry with similar registries established and maintained by the various States;

(5) an analysis of the progress of coordinating the operation and enforcement of the ''do-not-call'' registry with the enforcement activities of the Federal Communications Commission pursuant to the Telephone Consumer Protection Act (47 U.S.C. 227 et seq.); and

(6) a review of the enforcement proceedings under the Telemarketing Sales Rule (16 C.F.R. 310), in the case of the Federal Trade Commission, and under the Telephone Consumer Protection Act (47 U.S.C. 227 et seq.), in the case of the Federal Communications Commission.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the order of the House of Tuesday, February 11, 2003, the gentleman from Louisiana (Mr. TAUZIN) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 395.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, whatever happened to the quiet evening at home? Most people have experienced it, that annoying ring on the phone just as dinner goes to the table. When one answers, it is not a call from a friend or family member or even from work, it is someone calling to sell something, a telemarketer.

Today we have before us of a bill that will allow hundreds of thousands of American citizens to enjoy the peace and quiet of their own home. H.R. 395, the Do-Not-Call Implementation Act, authorizes the Federal Trade Commission to establish a national do-not-call registry that will allow consumers to opt out of unwanted and harassing telemarketing calls. This landmark do-not-call list will provide consumers with one central contact to stop unwanted telemarketing calls. The new do-not-call list will be a free service to all American consumers, and those telemarketers who choose to ignore the do-not-call registry will face stiff penalties of up to $11,000 for each violation.

In order to coordinate the do-not-call programs among all of the agencies with jurisdiction over telemarketing, H.R. 395 directs the Federal Communications Commission to complete its pending do-not-call rulemaking within 180 days. The bill further directs the FCC to consult and coordinate with the Federal Trade Commission to ensure that both regulations are as similar as possible. This coordination will not only prevent consumer confusion, but it will provide the telemarketing industry with coordinated rules upon which to function.

Lastly, H.R. 395 sets out reporting requirements for both the Federal Trade Commission and the Federal Communications Commission. Without the passage of H.R. 395, the FTC will be forced to wait until the year 2004 to implement its national do-not-call list.

I am hopeful the other body will act swiftly to pass H.R. 395 so all Americans can enjoy the benefits of the national do-not-call list sooner rather than later. In fact, if anyone holds this legislation up, we are prepared to give out their home phone number to all who want to give them a call.

Today Congress is answering the call from consumers for help in combating annoying and harassing telemarketing calls. Therefore, to empower the American consumer, I ask that Members support H.R. 395, the Do-Not-Call Implementation Act.

Madam Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this bipartisan legislation, and I thank the gentleman from Louisiana (Mr. TAUZIN) and, I am proud to say, my chairman as a new member of the Committee on Energy and Commerce; the gentleman from Florida (Mr. STEARNS), chairman of the subcommittee; and the ranking member, the gentleman from Michigan (Mr. DINGELL), who strongly supports this legislation, for their outstanding leadership in advancing this proconsumer bill.

As a new member of the Committee on Energy and Commerce and as ranking Democratic member of the Subcommittee on Commerce, Trade and Consumer Protection, I look forward to working with my colleagues to implement this important measure.

Madam Speaker, we all appreciate the precious time we have at home with our families after a long day of work, but who has not had that time interrupted by commercial telemarketers? We all know from personal experience how intrusive these calls can be. I hear complaints from many of my constituents who are tired of receiving telemarketing calls at home. They should be able to stop these calls, if they so choose, and the FTC's creation of a national list will make it easier for people to enjoy peace and quiet at home.

This proconsumer legislation authorizes the Federal Trade Commission to collect fees from telemarketers to create a national do-not-call registry. Consumers who do not wish to be solicited at home can put themselves on the registry. Telemarketers are required to check the database every 3 months and remove names that appear on the list from their call list.

In December, the FTC amended the Telemarketing Sales Rules to create a national do-not-call list. This legislation will help the FTC implement this important initiative. I am pleased that the FTC's proposal will protect the First Amendment rights of telemarketers. Telemarketers will be able to continue to solicit consumers who do not put themselves on the list. Telemarketers will still be allowed to call those who are on the do-not-call list when an existing business relationship exists. However, all solicitors who qualify for this exception have to honor requests from individuals if they ask not to be contacted in the future.

It is my understanding that the FTC hopes to have the list up and running within the next few months. And this legislation protects the ability of legitimate charities and not-for-profit organizations to make calls, and they are not regulated by this legislation. However, even if in those circumstances any person asks not to be called again by that organization, that request must be honored.

So, again, I support this legislation. I urge all Members to vote in favor of its passage. I also want to urge appropriators to provide full funding for this program in the omnibus appropriations bill. I hope that they will consider incorporating the text of this legislation in the conference report.

Madam Speaker, I reserve the balance of my time.

Mr. TAUZIN. Madam Speaker, I yield the balance of my time to the gentleman from Florida (Mr. STEARNS), the chairman of the Subcommittee on Commerce, Trade and Consumer Protection, and ask unanimous consent that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from Louisiana (Mr. TAUZIN) has outlined the reason for this bill, and obviously I support it. It is under the jurisdiction of my subcommittee, the Subcommittee on Commerce, Trade and Consumer Protection, and it authorizes the Federal Trade Commission to collect the needed fees to maintain such a national registry. It is a very important bill, and as such, I seek all of my colleagues' support this afternoon.

I commend the chairman of the Federal Trade Commission for taking the initiative on this issue, and its hard work in promulgating the recent amendments to the Telemarketing Sales Rule. Specifically, the do-not-call amendments. As a Member that has championed consumer information privacy legislation for the past 2 years in my subcommittee, and we have had six hearings on it, I think a national do-not-call list is important. Although small, it is a step towards further enhancing consumers' privacy.

There is no question that I, along with most of my constituents, welcome any effective measure designed to protect us from unwanted telephone solicitations. A national do-not-call list goes a long way in fulfilling our want for a little peace and quiet at the family dinner table. It is important that the national do-not-call list truly be a one-stop shopping experience for the consumer.

As directed by H.R. 395, the Federal Trade Commission must work to ensure harmonization among the myriad of States and Federal telemarketing rules and do-not-call lists. That is not an easy job. As it now stands, I understand that 28 States have their own do-not-call lists, and the Federal Communications Commission may be considering another.

I strongly encourage the FTC chairman, Chairman Muris, to work very closely with the FCC on its national do-not-call registry proposed rulemaking so that if the FCC was to promulgate its own rule, it is substantially harmonized and in agreement

with the Federal Trade Commission rule.

For American consumers to enjoy one-stop shopping when seeking to protect him- or herself from unwanted telephone solicitation, there ought to be a single national registry governed by one set of Federal rules. I think we need a single national list for all interstate calls so there is only one toll-free number or one Web site address and one government agency we, as consumers, need to remember and go to for assistance. Passage of H.R. 395 is an important step in making that possible.

In closing, I reiterate my strong support for an effective national do-not-call list. I think the Federal Trade Commission's do-not-call amendments to the Telemarketing Sales Rule creating a national registry is a giant step in the right direction and, as such, deserves our support. I urge Members to support the bill.

Madam Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Madam Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY), a very eloquent member of the Committee on Energy and Commerce.

Mr. MARKEY. Madam Speaker, I congratulate the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Michigan (Mr. DINGELL), the gentleman from Florida (Mr. STEARNS), the gentleman from Louisiana (Mr. TAUZIN), and all of the members of the majority and minority for coming together to work out a very important piece of legislation.

This is a bill which I think is long overdue and is going to be very well received in every single home across our country, because the legislation authorizes the Federal Trade Commission, after its recent decision, to create a national telemarketing do-not-call database. This do-not-call database proposal is a winner for millions of consumers who are plagued by unsolicited commercial telemarketing calls at home or on their mobile phones, and it is important that we give the Federal Trade Commission the support it needs to implement this new policy as soon as possible, and that is what we are doing today here on the House floor.

The bill the House considers today permits the Federal Trade Commission to proceed on a timely basis and begin implementation of the database process this year while also ensuring that the Federal Communications Commission finally gets its regulatory task done so that no major corporate telemarketing loopholes remain.

I am pleased to be a cosponsor of this legislation. Every Member who has worked on this legislation deserves a lot of credit. After having first proposed a national do-not-call database registry in legislation that the Congress successfully enacted in 1991, I believe its implementation is action that is long overdue. Consumers across the country will finally be able to put an effective ''no soliciting'' sign on their home phone or cell phone and bring to a halt the seemingly nightly ritual of phone calls interrupting dinner or precious family time. Those telephone rings invade the tranquility of the home and the do-not-call database will help consumers restore peace.

Rather than having consumers act as veritable slaves of those rings, forced to get up and to answer insistent and incessant telemarketing calls time after time, the do-not-call database will effectively make consumers the ''Lord of the Rings.'' They can put an end to those calls. They can protect their own domain.

Consumers have waited a long time for the benefits of the same digital and telecommunications technology that has so advanced the ability of telemarketers to efficiently and cost-effectively reach consumers to also be harnessed on behalf of consumers to help them address legitimate privacy concerns.

□ 1615

I see the gentleman from Texas (Mr. BARTON) over there. There are Members on the left and right, Democrat and Republican, that want privacy in their own homes. This has no ideology. Every American believes they have that inherent right.

Finally, I want to commend Federal Trade Commission Chairman Timothy Muris for his pro-consumer action in promulgating the FTC's recent do-not-call rules, as they will give the consumers who are often plagued by unwanted, intrusive, unsolicited telemarketing a powerful new tool in which to battle such intrusions. Again my congratulations to everyone who worked on this important legislation.

Mr. STEARNS. Madam Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Subcommittee on Energy and Air Quality.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Speaker, I want to commend Subcommittee Chairman STEARNS, Ranking Member SCHAKOWSKY, the gentleman from Louisiana (Mr. TAUZIN) of the full committee, and the gentleman from Michigan (Mr. DINGELL) of the full committee for bringing this bill to the floor. I am a cosponsor. I think there are improvements that could be done to the bill, but I think it is a good step in the right direction.

I have been in the Congress for 18 years. I have been on the Committee on Energy and Commerce for the last 16 of those 18 years. I was one of the Congressmen who led the fight in committee to make sure that caller ID could be used as an option for those that wished to know who was calling them. I also helped lead the fight in committee to make sure that if somebody was trying to call you and blocked their identity, you could block their call, that block-the-blocker technology. This is another step in that protection of privacy that the gentleman from Massachusetts (Mr. MARKEY) talked about, so that when you are in the privacy of your home, if you choose to not have any unsolicited phone calls coming into your home, you can sign up for this.

I have signed up for the do-not-call list in Texas. I have lived in the same house for the last 14 years. I have subscribed to the Dallas Morning News that entire time. And until recently I continued to get solicitation calls from the Dallas Morning News asking me to subscribe to the Dallas Morning News. Maybe with the do-not-call list in Texas and the do-not-call list at the national level, I will not get that call. Unfortunately, I will still get a phone call from Majority Leader TOM DELAY. I have raised substantial sums of money for the NRCC, but I do get solicitation calls asking me to help Majority Leader DELAY continue to raise necessary funds for various good political causes. That is one of the exceptions.

So there are things that we could do to improve the bill, but it is a good step in the right direction and I hope that we pass this bill on a bipartisan basis unanimously because it is a good piece of legislation.

Again I want to commend the gentleman from Florida (Mr. STEARNS) for his excellent leadership and the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her leadership on this necessary piece of legislation.

Ms. SCHAKOWSKY. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN), a great consumer advocate and member of the Committee on Energy and Commerce.

Mr. WYNN. Madam Speaker, I am also delighted to join my colleagues in supporting the Do-Not-Call Implementation Act. Let me commend the gentleman from Florida (Mr. STEARNS), our subcommittee chairman, as well as our newest and quite-generous-with-her-flattery new subcommittee ranking member, the gentlewoman from Illinois (Ms. SCHAKOWSKY), for her leadership on this bill.

As we debate great global and national issues, this may not seem to be such a big deal. On the other hand, if you have worked hard all day, fought through traffic to get home to be with your wife and family to sit down to a simple dinner and you get a phone call from someone from Acme advertising something that you really do not want, this is a very big deal. It is something that Congress can and, I am pleased to say, is taking care of. We are doing something about this, the annoyance of unwanted solicitations.

I get lots of complaints about it. I think it is a great idea that we are addressing this issue. As an elected official, I am not usually home at dinnertime; I am usually here in Washington or out in the district at some event. But when I go home, when I am home

on those rare occasions and I am trying to have dinner and I get a call, I get quite annoyed. So I know how folks feel. But it is also people who work at home who are trying to conduct their own business who are interrupted. It is also seniors who are at home and are maybe anxious or nervous or sitting alone. They get these repeatedly aggravating calls which they have to struggle to get up to answer only to find someone from Acme on the line.

This is a good piece of consumer legislation. Combined with what the States have already done in 27 States and what the FCC and FTC can do, we can have a blanket of protection around consumers from the annoyance of unwanted calls. I am really pleased to see Congress acting so swiftly. I thank Chairman TAUZIN as well as Ranking Member DINGELL for their leadership. I think it is a great piece of legislation, I am proud to support it, and I look forward to its rapid implementation.

Mr. STEARNS. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Speaker, in my home State of Indiana, our own no-call registry has been met with great success. While in Indiana there are over 6 million people, a little over 1.2 million phone lines in Indiana have registered to stop these unwanted telephone solicitations. I want to thank Indiana Attorney General Steve Carter for not only his leadership but also his persistence to succeed in this endeavor on behalf of consumers.

I am very pleased that the Federal Government is now responding to the concerns of consumers with legislation that will work to restrict these unwanted callers. It is my understanding that Indiana's no-call registry is more stringent than the Federal guidelines that are presently being proposed. It is also my understanding that those agencies crafting the Federal no-call guidelines, the FTC and the FCC, have no intent to preempt State law. I would urge both agencies to abide by this understanding.

Last July, I wrote a letter to FTC Chairman Muris asking that any creation of a Federal do-not-call registry would clearly express that the Federal rule would in no way preempt State law. And last month the entire Indiana delegation sent a letter to FCC Chairman Powell making the very same request. So while the creation of a national do-not-call registry delivers to the consumer the assurance that they may once again answer the phone in peace, I do hope that those States that have created their own do-not-call registries for the benefit of consumers will not be negatively affected in this rulemaking process.

Mr. STEARNS. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding me this time.

Madam Speaker, I rise in strong support of this bill. I would first like to commend the chairman from Louisiana and the ranking member from Michigan, as well as the gentleman from Massachusetts, for bringing this important piece of legislation to the floor. As we have heard, this bill will give the Federal Trade Commission the authority to collect fees from telemarketers, long overdue, to implement and run the national do-not-call list which was created by the amendment to the telemarketing sales rule effective December 18.

The FTC has got it right. Something has to be done to protect consumers from the many annoying calls telemarketers place at all hours of the day and night, 7 days a week. These calls are indeed an invasion of privacy, not to mention that many of these callers are unscrupulous and prey on older Americans.

The Federal Trade Commission's national do-not-call list is a one-stop shop for consumers who are fed up with annoying and often intrusive telemarketing calls. Consumers by registering their telephone number with the FTC's list will eliminate, we hope, about 80 percent of all telemarketing calls.

Madam Speaker, I would also like to thank the FTC for working closely with me to include provisions of my ''Know Your Caller'' legislation which makes it illegal for telemarketers to block their numbers on caller ID devices. Consumers pay a monthly fee to subscribe to the caller ID service because they want to protect their personal privacy and their pocketbooks; but until now they have had little recourse to protest intrusions on their privacy because most telemarketers intentionally block their identity from being transmitted to caller ID devices.

Madam Speaker, as a Member of Congress and, more importantly, as a consumer, I applaud the FTC's amendment to the telemarketing sales rule; and I applaud and thank the committee for sponsoring this bill.

Ms. SCHAKOWSKY. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), who is not only a distinguished member of our class to the House of Representatives but the only Member of Congress who is a rocket scientist.

Mr. HOLT. Madam Speaker, I thank the gentlewoman for yielding me this time, and I concur with the remarks of my colleague from New Jersey who just spoke. I rise in support of H.R. 395, the Do-Not-Call Implementation Act; and I would like to salute Chairman TAUZIN and Ranking Member DINGELL for introducing what my colleagues will tell you, and my constituents especially will tell you, is important legislation. I cannot count the number of e-mails, phone calls, and letters I receive from constituents, many of them irate, complaining about telemarketing. The residents of my district have pleaded with me to do something so that they can have a peaceful family dinner, not interrupted by credit card solicitations or the latest condominium offerings on some tropical locale. I know what they are talking about, because frequently my dinner is interrupted by these calls, too. They have been described as nuisances, extremely annoying, and by stronger language.

We should not stop companies from developing and using innovative ways to sell their products and services, but there is little question that this kind of telemarketing is out of hand. It has become a form of harassment. Just as citizens have the right to tell door-to-door solicitors to leave their property, Americans should have the right to tell telemarketers to stop calling and to make it happen.

The Do-Not-Call Implementation Act will be widely appreciated. It does not prohibit telemarketing. It does not stop companies from using phone solicitation to sell legitimate products and services. It empowers individuals by creating a realistic and enforceable way for them to get their names off telemarketing lists.

We have had do-not-call lists on the books, legislation, for more than a decade. But when Congress first mandated such lists, the FCC chose to leave creation and maintenance up to individual businesses, making enforcement next to impossible. That is why the Do-Not-Call Implementation Act is a great step forward in creating a real nationwide do-not-call list.

Finally, Madam Speaker, people will be able to opt out of telemarketing by registering online or making a simple phone call. Telemarketers will face serious consequences for noncompliance. I think a fine of $11,000, up to that amount, for each call will get their attention. It is about time that the Federal Government protect the citizens from this unwanted harassment. After we are successful in implementing this, I hope we will turn our attention to electronic mail spam.

Mr. STEARNS. Madam Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I rise today in support of the Do-Not-Call Implementation Act. We have do-not-call lists now in 21 States, but we seem to have the calls only increasing in frequency. The fact that these calls seem to occur at the most inopportune times and, thanks to predictive dialing software, often result in an immediate disconnection only adds to the frustration of consumers.

I am very pleased that the Federal Trade Commission is amending the telemarketing sales rules to create a central do-not-call registry. As a new member of the appropriations subcommittee that funds the Federal Trade Commission, I am committing my efforts to make sure that this effort is fully funded so that we can implement this needed legislation.

I want to commend Chairman TAUZIN, Ranking Member DINGELL, and

also subcommittee Ranking Member SCHAKOWSKY for her efforts on this. I think working together in a bipartisan way, we will ensure that the Federal Trade Commission not only has the underlying legislation but also the appropriations to make sure that every person's castle can be a quiet home and that we do not have to worry about the telemarketing barbarians at the gate every single evening.

Ms. SCHAKOWSKY. Madam Speaker, I am happy to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who has stood up for the rights of consumers so many times on this floor.

□ 1630

Ms. JACKSON-LEE of Texas. Madam Speaker, I want to thank the distinguished gentlewoman for yielding me this time, and I congratulate her again for her membership on the Committee on Energy and Commerce and her very rightful position dealing with consumer advocacy.

This is a legislative initiative that I wanted to applaud and speak to because I live in a community that has a substantial number of senior citizens. I have had the occasion to be engaged with these senior citizens in town hall meetings when they have held up mail or they have said, I got a call and how should I respond; or maybe unfortunately some have already responded, and that is by sending money, by buying whatever the individual was trying to sell or be frightened for not being able to secure it.

This legislation is extremely important and balanced.

Certainly we realize that telemarketing is an industry, that people work in telemarketing, that many of my constituents, likewise in hourly wages, survive by being telemarketers. We want them to continue to be able to do their work. At the same time, I think it is important that as they do their work, they also respect those who may be intimidated by the process.

I am grateful that the legislation was thoughtful, that it seeks to balance by providing the FTC with the responsibility of imposing user fees on telemarketers, for establishing and maintaining a national do-not-call list. What is wrong with consumers having a choice, being able to be on the list? So therefore I would like to add my support to this legislation.

And before I go to my seat, I wanted to also make sure that I acknowledged the legislation previously on the floor regarding the POWs and to acknowledge the 30 years after Mr. SAM JOHNSON of my State found his way home and to simply say how appreciative we are of the service of our men and women, in particular those who were willing or understood that even though they were prisoners of war, they were never forgotten.

So I thank him for his service, and I add my support to H.R. 395 and to the proceeding legislation.

Ms. SCHAKOWSKY. Madam Speaker, I look forward to all our colleagues supporting this legislation.

Madam Speaker, I yield back the balance my time.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in strong support of the Do Not Call Implementation Act, H.R. 395, which will authorize the Federal Trade Commission to establish a landmark national do-not-call registry that will allow consumers to opt-out of unwanted and harassing telemarketing calls. With passage of this bill, our families will be able to wind down their long days by eating a peaceful dinner without the incessant calling that so often annoys and disrupts our time with our families.

Electronic market capabilities and strategies have become more aggressive as technology has advanced and action needs to be taken to protect the peace and privacy of people in their homes. I feel that this legislation, which is similar to a Connecticut law, goes a long way in accomplishing that. The intention of telemarketers and others are by no means sinister, but Americans must have the means to protect themselves from different kinds of intrusions, including the frequent bothersome telemarketing calls interrupting a family dinner, which this legislation would enable them to do. As different kinds of technology continue to move forward, we must be vigilant in ensuring that the personal privacy rights of our citizens are not being encroached upon.

The larger issue of privacy in our nation does not end with this legislation, obviously, but rather this bill becomes one of several tools that Congress has been able to employ to protect our citizens. There are still other avenues of privacy that must continue to be safeguarded including wireless services, financial information as well as computers and communications. This legislation is certainly an important step in this direction.

I urge my colleagues to support this legislation.

Ms. HOOLEY of Oregon. Madam Speaker, I rise today in support of privacy protections for consumers nationwide as we consider the Do-Not-Call Implementation Act. My home state of Oregon is one of a growing number of states that have recognized the growing importance of protecting consumer privacy. Oregon's legislature has parlayed its respect for individual privacy into legislation regulating telemarketing calls. Like those in more than two dozen other states, Oregon's lawmakers have seen fit to compile a list of individuals who no longer wish to receive unsolicited telemarketing calls. And, they have vested the attorney general with the power to levy harsh sanctions on those firms who call listed consumers anyway. Oregon's law is powerful and effective because it allows for the local enforcement of telemarketing rules with narrow exceptions. Only political organizations and a few not-for-profit groups are exempt from the restrictions on calls placed to listed consumers.

It is important to me that Federal legislation authorizing the creation of a national ''do not call'' registry does not unnecessarily widen the carefully carved exceptions of state laws like Oregon's. States that have developed strong protections on privacy should not see their rules watered down. I sincerely hope and expect that FTC will show deference to determinations made by states as it coordinates the national ''do not call'' registry with existing state lists. Consumers deserve the continued benefit of well-designed state laws. Though Oregon has a strong ''do not call'' system in place, I realize that many consumers live in places without state law protections. It is for these consumers that creation of a national ''do not call'' database is most vital. In Oregon, more than 125,000 people have added their names to the state managed ''do not call'' list. This is evidence of the widespread public appeal of being able to vastly reduce the number of sales calls to which one is subjected. Subsequently, I have no doubt that many Americans would consider a national ''do not call'' list a welcome weapon in fending off nightly invasions of their peace and privacy by telemarketers.

In short, a national ''do not call'' registry would extend to all Americans the benefits already realized by subscribers to similar lists in varying states. I've heard firsthand from Oregonians about the success of their ''do not call'' list. I would very much like the expanded opportunity for privacy of ''do not call'' lists to be available nationwide. In the twenty-first century, our names, addresses, phone numbers and spending habits have all become commodities for commercial trade. Our telephones often function as much as a marketing tool for salesmen as a tool for our convenience. As a rule, unwanted sales calls come at the most inopportune time, steal our time from our families and children, and reduce the quality of our lives. We should make sure that Americans have real tools for mitigating the damage that telemarketing calls can have. That is why I support a national ''do not call'' registry that respects strong state privacy protections. That's why I support the recognition of those state lists by the FTC. And that's why I support the rights of consumers to control telemarketer access to their phones.

Ms. McCARTHY of Missouri. Madam Speaker, today members of the House will approve H.R. 395, the Do-Not-Call Implementation Act. this measure is designed to return privacy to consumers, but more must be done to close loopholes and fully protect consumers from unwanted telemarketing phone calls to their home.

My main interest in the implementation of a national Do Not Call registry is to ensure that such a list improves rather than diminishes the laws already in place in 27 states, including my State of Missouri. Missouri's Do Not Call list, which was implemented on July 1, 2001, gives consumers the ability to choose whether they would like to receive unsolicited telemarketers calls. 1,133,636 phone lines have registered with the Missouri Attorney General's office as of this February to avoid unsolicited phone calls, more than half of the households in the State. These results are representative of other states that have implemented a Do Not Call list.

More than 90 percent of the reported ''violations'' of the state law are not illegal, which confuses consumers. This is due to freedom of speech which enables political, charitable, and government regulated businesses to make unsolicited phone calls. Financial services companies and phone companies are not regulated by the Missouri Attorney General, thus these entities can legally solicit anyone in Missouri by phone. These loopholes, as well as others permitting ''consultations'' but not

sales, have allowed unsolicited calling to continue, even of those consumers who have registered on the state Do Not Call list. I urge the Federal Trade commission (FTC) and Federal Communications Commission (FCC) to follow the spirit of H.R. 395 and restrict calls by regulated industries such as credit card companies and phone companies which account for a majority of the telemarketing calls. In addition, the FTC and FCC must work to transfer state Do Not Call lists to the federal list so that consumers who have signed up locally will not have to do so nationally. Even though not explicitly stated in the bill, a rule to provide this convenience will enhance the effectiveness of this effort.

FTC Chairman Timothy Muris told the Energy and Commerce Committee that the Federal Do Not Call list is to be funded by the telemarketers who must purchase an updated Federal Do Not Call list every three months, ensuring protection to consumers. The text of H.R. 395 does not explicitly state this, thus the measure leaves room for loopholes for specific telemarketers. I look forward to studying the required FTC & FCC reports to Congress ensuring that H.R. 395 successfully protects those who choose not to receive telemarketer calls. H.R. 395 should follow the original intent of state Do Not Call laws and use Federal jurisdiction to close loopholes that states cannot.

Mr. UDALL of New Mexico. Madam Speaker, I am pleased that the House is taking action today on H.R. 395, the Do-Not-Call Implementation Act, to help establish a national do-not-call registry. I strongly support this important legislation that will greatly benefit consumers by providing them with a simpler, more effective and efficient way to notify telemarketers that they do not want to receive unsolicited phone calls.

According to the FTC, consumer complaints regarding unwanted telemarketing calls increased over one thousand percent between 1998 and 2002. Although telemarketers are currently already required to maintain do-not-call lists, the FTC's decision to create a national do-not-call registry is a critical step towards further decreasing the hundreds of annoying and unwanted telemarketing calls that consumers receive each year. The do-not-call registry would allow consumers to list their phone numbers to notify all telemarketers that they no longer want to receive unsolicited calls, rather than having to contact each telemarketer individually.

Among other provisions, H.R. 395 provides a five-year authorization for the FTC to collect offsetting fees from telemarketers to pay for a National ''do-not-call'' registry, which is estimated to cost $16 million annually. It also requires important consultation and coordination between the FTC and FCC to maximize consistency of its rules. both of these provisions, and passage of this bill, are important steps toward making a national do-not-call registry a reality.

I urge my colleagues to join me in support of this important legislation.

Mr. DINGELL. Madam Speaker, H.R. 395, the ''Do-Not-Call Implementation Act,'' authorizes the Federal Trade Commission (FTC) to collect fees to fund its national do-not-call registry. Unwanted sales calls have become a nuisance that many consider an invasion of privacy. A national do-not-call registry will allow consumers to limit these unwanted intrusions and once again answer their telephones without aggravation.

Consumers, charities, telemarketing companies, local governments and other interested parties, have voiced their complaints and communicated their concerns. In the Telemarketing and Consumer Fraud and Abuse Prevention Act, passed in 1994, we gave the FTC the discretion to create a national do-not-call program. Based on that authority, the FTC has considered a wide range of complicated issues and has produced a reasoned result. I urge the appropriations in the Omnibus Appropriations Conference to include full funding of this program now. In fact, I have no objection under these circumstances to inserting H.R. 395 itself into the Conference Report.

As the FTC launches the do-not-call registry, we must monitor its progress closely. By any measure, coordinating the efforts of the Federal Trade Commission, the Federal Communications Commission and state authorities into one national system will be a challenge. The rewards, however, can be great. As these many parts work together as one, we can achieve a comprehensive program that will empower consumers without unnecessarily burdening industry.

This is an important issue to consumers across the nation that should not be delayed any further.

Mr. COSTELLO. Madam Speaker, I rise today in strong support of H.R. 395, the Do-No-Call Implementation Act of 2003. This legislation authorizes the Federal Trade Commission (FTC) to collect fees from telemarketers for the implementation and enforcement of a national do-not-call registry. This legislation also requires that the Federal Communications Commission (FCC) finalize its rules for such a list in coordination with the FTC to ensure there are no inconsistencies in the regulations.

Unfortunately, we have all experienced those annoying unsolicited phone calls as we sit down to enjoy dinner with our families. A national registry will help limit unwelcome phone calls and restore a sense of control over the telephone where it belongs, with the consumer. The FTC's decision to develop such a registry comes after nearly a year of analysis, in which more than 60,000 public comments were received, the overwhelming majority of which supported a national do-not-call list. A national list will provide consumers with a quick and efficient mechanism to remove their names from telemarketing lists. Consumers will be able to register for free online or by calling a toll-free number. This will be less burdensome than forcing consumers to make such requests on a company-by-company basis, and will work in concert with states such as Illinois that either have or are implementing such lists.

I have received numerous messages from my constituents in the 12th District of Illinois concerning their frustrations with telemarketers. A national do-not-call list will answer a long-felt consumer need for better control over telemarketing calls to the home. I urge my colleagues to support this pro-consumer legislation.

Mr. TOWNS. Madam Speaker, today, along with my colleagues, Mr. UPTON and Mrs. WILSON, as original co-sponsors, I re-introduce the ''Telecommunications Development Fund Improvement Act.''

The Telecommunications Act of 1996 included an important provision, which I co-sponsored with the former Subcommittee Chair, Mr. Fields, to expand the availability of investment capital to small businesses in the telecommunications industry working to develop new technologies to improve telecommunications services to under-served urban and rural communities. The 1996 Act created the Telecommunications Development Fund (''TDF'') and financed the Fund from interest collected on the initial deposits the FCC required of all bidders in the FCC's spectrum auctions.

Currently, in order to qualify to participate in FCC auctions of spectrum for telecommunications services, the FCC requires prospective bidders to deposit a specified dollar amount with the FCC. Under the legislation adopted in 1996, the FCC places these deposits—sometimes called ''up-front payments''—in an interest-earning account. A ''successful bidder'' is identified through the auction process. The ''deposits'' of the unsuccessful bidders that had been held by the FCC are returned to these bidders without interest. The principal amount of the successful bidder's deposit is paid to the U.S. Treasury. The interest earned on the upfront payments of all the bidders is remitted to the TDF.

Prior to the 1996 Act, tens of millions of dollars of bidders' deposits had been held in non-interest bearing accounts. By requiring that these funds be held in interest-bearing accounts, Congress provided a mechanism to finance the important goals of the TDF without any budgetary impact, without requiring any appropriations and without imposing either new taxes or fees. To date, fifty million dollars has been collected—at no cost to the taxpayer or the regulated industry—from interest earned on spectrum bidder's deposits. But more could be done to make telecommunications products and services available to under-served communities—rural and inner city—of every kind.

Once the successful bidder has been identified through the auction, a formal licensing process gets underway. At that time, the successful bidder is required to increase the amount of the deposit held by the Federal Government to 20 percent of the amount of the successful bid. The remainder of the successful bid is payable when the license is issued. Typically, a number of months pass between when the successful bidder is identified and when the license is formally issued by the FCC. The interest that could be earned on the additional deposits—sometimes called ''down payments''—during the licensing process represents a significant source of funding for the TDF.

Unfortunately, despite the language of the 1996 Act—which makes no distinction between bidders' ''up-front payments'' and successful bidders' ''down payments,'' referring to both simply as ''deposits,''—the FCC has not required increased ''down payment'' deposits of initially successful bidders to also be placed in interest bearing accounts for the benefit of the TDF. As a consequence, small telecommunications companies, and the people in under-served urban and rural areas that might have been the beneficiaries of the technology these companies are working to develop, have been deprived of access to tens of millions of dollars of additional investment capital that the TDF could have made available. This additional source of investment capital would have come from the interest that could have been earned on the additional down payment deposits during the period between the identification of the successful bidder and the issuance of the license.

The Telecommunications Development Fund Reform Act (''TDFIA'') rectifies this drafting oversight to close the loophole created by the FCC. The TDFIA renames the bidders' initial deposits as ''up-front payments'' and preserves existing law treatment of the interest earned on these payments. The TDFIA also defines the additional deposits made by successful bidders as ''down payments'' and treats these down payments the same way as existing law treats the bidders' initial deposits/up-front payments, i.e., the down payment funds will be required to be placed in an interest-bearing escrow account and, upon issuance of the license, the interest earned will be required to be remitted to the TDF.

The amendments made by the TDFIA are purely prospective in effect, applying only to future FCC spectrum auctions. The amendments would have no effect on existing down payments held by the FCC in connection with previously conducted auctions. In particular, the TDFIA would have no effect on the controversy or pending litigation related to the so-called ''NextWave'' licenses, and would not affect any bidder's entitlement to a refund of deposited funds or any bidder's claim for payment of interest on any refund.

The FCC does not oppose these provisions of the TDFIA.

Finally, the 1996 Act requires the TDF to satisfy the requirements of the Federal Credit Reform Act of 1990 (''FCRA''), 2 U.S.C. § 661 et seq., prior to making loans. Except for this reference, the FCRA applies only to loans made by Federal Government agencies.

One of the purposes of the FCRA was to ''place the cost of [Federal] credit programs on a budgetary basis equivalent to other Federal spending.'' 2 U.S.C. § 661(2). Consistent with this purpose, among the provisions of the FCRA are requirements for ''budgetary authority'' in an appropriations act to cover the cost of new Federal loans or loan guarantees, 2 U.S.C. § 661c(b), and application of budgetary accounting requirements to loans subject to the FCRA, 2 U.S.C. § 661c(d). These requirements have no logical application to the TDF's funds, which are not subject to congressional appropriations or the Federal budget process. The Office of Management and Budget, to which administration and oversight of the FCRA is entrusted, concurs with this view.

Imposing the requirements of the FCRA on loans made by the TDF has erected an insurmountable barrier to the use of loans by the TDF as a financing option, notwithstanding the intent of the 1996 Act that the TDF be authorized to make loans to credit-worthy small businesses. By making TDF subject to FCRA, TDF would be required to obtain appropriations before it could make loans to prospective borrowers. Requiring the TDF to comply with the FCRA makes no sense from a policy standpoint (TDF receives no appropriated funds) and can only be explained as a drafting error.

The TDFIA repeals this requirement to enable the TDF to enjoy the same flexibility in making loans as any other non-governmental entity. The amendment to the TDF's loan authority made by the TDFIA preserves the requirement that the TDF comply with any other ''applicable'' Federal law in making loans to eligible small businesses. The amendment to the TDF's loan authority made by the TDFIA is narrowly focused and does not affect the existing substantive criteria of the 1996 Act under which the TDF is authorized to make loans.

Madam Speaker, I hope that the Commerce Committee will schedule hearings on this important technical amendment to the 1996 Telecommunications Act and report the Bill to the full House for consideration early in this Session. I invite my colleagues to join me in passing this important legislation at a time when infusion of additional capital investment into struggling small telecommunications companies may help create jobs, stimulate new technology and expand telecommunications services to under-served urban and rural areas of the nation suffering from the current economic slowdown. This legislation can stimulate important economic activity without enactment of new taxes, appropriation of additional federal funds or any adverse effect on the federal budget deficit. I recommend it to my colleagues for their consideration and thank Mr. UPTON and Mrs. WILSON for their support of this worthy endeavor.

Mr. STEARNS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). All time having expired, pursuant to the order of the House of Tuesday, February 11, 2003, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STEARNS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

AMERICAN SPIRIT FRAUD PREVENTION ACT

Mr. STEARNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 346) to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 3 of that Act.

The Clerk read as follows:

H.R. 346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Spirit Fraud Prevention Act''.

SEC. 2. INCREASE IN PENALTIES FOR UNFAIR OR DECEPTIVE ACTS OR PRACTICES EXPLOITING REACTION TO CERTAIN EMERGENCIES AND MAJOR DISASTERS.

(a) VIOLATIONS OF PROHIBITION AGAINST UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—Section 5(m)(1) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)) is amended by adding at the end the following:

''(D) In the case of a violation involving an unfair or deceptive act or practice in an emergency period or disaster period, the amount of the civil penalty under this paragraph shall be double the amount otherwise provided in this paragraph, if the act or practice exploits popular reaction to the national emergency, major disaster, or emergency that is the basis for such period.

''(E) In this paragraph—

''(i) the term 'emergency period' means the period that—

''(I) begins on the date the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

''(II) ends on the expiration of the 1-year period beginning on the date of the termination of the national emergency; and

''(ii) the term 'disaster period' means the 1-year period beginning on the date the President declares an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).''.

(b) VIOLATIONS OF OTHER LAWS ENFORCED BY THE FEDERAL TRADE COMMISSION.—Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by adding at the end the following:

''(e)(1) If a person, partnership, or corporation is found, in an action under subsection (b), to have committed a violation involving an unfair or deceptive act or practice in an emergency period or a disaster period, and if the act or practice exploits popular reaction to the national emergency, major disaster, or emergency that is the basis for such period, the court, after awarding equitable relief (if any) under any other authority of the court, shall hold the person, partnership, or corporation liable for a civil penalty of not more than $22,000 for each such violation.

''(2) In this subsection—

''(A) the term 'emergency period' means the period that—

''(i) begins on the date the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

''(ii) ends on the expiration of the 1-year period beginning on the date of the termination of the national emergency; and

''(B) the term 'disaster period' means the 1-year period beginning on the date the President declares an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

GENERAL LEAVE

Mr. STEARNS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material in the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Madam Speaker, I yield myself such time as I may consume.

In the weeks since September 11, 2001, this Nation has mourned, has been angry, has been anxious, and has been very generous in response to the needs of those who were affected. This American spirit has reached record levels and now stands as symbolic as this Nation's greatness and ability to support a just cause, the relief of the victims and their families.

But we have also seen the darker side of humanity. Reports of people using this tragedy and the generous American spirit for their own gain have appeared. Scam artists and frauds know that in the aftermath, Americans are all too eager to help. They also appear in the wake of hurricanes, earthquakes, floods, and other such similar disasters.

The Department of Justice, the Federal Trade Commission, and the States' attorneys general already have some powers to prosecute those engaged in fraud and deceptive practices, but we must make it clear that we will severely punish those who aim to take advantage of America's charity or an organization's good name during such an emergency.

Congress must also make sure that consumers are not inundated with false and deceptive claims about goods and services that would exploit the circumstances of an emergency or of such a disaster. Whether it is selling Cipro and other drugs under false information or offering fraudulent terrorist insurance, these practices must carry a penalty commensurate with their nature. We cannot let stand the detestable actions of so few that mar the pride and patriotism we all share over the phenomenal generosity and outpouring of support from across the United States and world. And we cannot let the fear and anxiety of our citizens be preyed upon by scam artists peddling their cheats and their swindles.

Madam Speaker, I have no doubt that the victims of any tragedy, their families and their friends and all Americans are as humbled as I am with the response of this country to disasters. Now we need to ensure that those who would abuse this determined American spirit are equally staggered at our response.

The American Spirit Fraud Prevention Act would double the penalties that the Federal Trade Commission would levy during times of presidentially declared emergencies and disasters if the offending action aims to exploit the crisis.

These times, Madam Speaker, sadly occur more often than one might think, and the attempts to profit from them follow just as regularly. All hope of profit and gain must be removed from the equation for these people.

I personally would like to thank the gentleman from New Hampshire (Mr. BASS) for taking the initiative on this very important bill authoring H.R. 346, the American Spirit Fraud Prevention Act.

Madam Speaker, I reserve my time.

Ms. SCHAKOWSKY. Madam Speaker, I yield myself as much time as I may consume.

I rise in strong support of H.R. 346, the American Spirit Fraud Prevention Act, and I also want to commend the gentleman from New Hampshire (Mr. BASS) for his leadership on this issue, as well as my colleagues on the Committee on Energy and Commerce for ensuring this measure's swift passage through the committee.

September 11 was the worst attack and loss this country has ever experienced on our own soil. Countless lives were lost, and the Nation was confronted with a new reality, a harsh sense of our vulnerabilities. It was the single darkest day this Nation has faced. The one saving grace, the one ray of hope that helped combat the pain, suffering, and sadness of the Nation was the heroism, leadership, and commitment displayed by Americans who were determined to help.

Some helped by giving their lives, and their stories will inspire us forever. Others from across the country helped by giving. Americans made generous donations to provide aid to victims of the terrorist attacks. Over $1 billion was raised for relief efforts and aid to victims' families in the wake of September 11, from donations, large and small, made by the American public.

Unfortunately, however, some in our country demonstrated the shameful side of humanity by attempting to illegally profit from the tragedy. Those individuals tried to exploit the generosity demonstrated by so many through fraudulent solicitations in which they claimed to be representing organizations benefiting the victims or providing emergency response services. While those despicable acts are already illegal, it is important for the Congress on behalf of our constituents to send a clear message that such behavior will be subjected to even more severe penalties in the future.

Under this measure the maximum civil fines for actions of fraud and attempts to profit from national emergencies in violation of the Federal Trade Commission Act will be doubled. These increased penalties will apply to all violations that occur within 1 year of the time the President declares a disaster and all violations that occurred during and up to 1 year after the expiration of a presidential emergency declared under the National Emergencies Act.

Madam Speaker, the public is caring and committed. We care about the well-being of our neighbors, and we are committed to do what we can to ensure prosperity and security for this Nation, and we will not tolerate those who undermine and abuse the American spirit.

I urge all of my colleagues to join me in supporting this measure.

Madam Speaker, I yield the balance of my time.

Mr. STEARNS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 346.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. STEARNS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, this 15-minute vote on H.R. 346 will be followed by 5-minute votes on the two questions previously postponed.

Votes will be taken in the following order:

H.R. 346, by the yeas and nays;

House Resolution 62, by the yeas and nays; and

H.R. 395, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 422, nays 1, not voting 11, as follows:

[Roll No. 24]

YEAS—422

Abercrombie	Calvert	Doyle
Ackerman	Camp	Dreier
Aderholt	Cannon	Duncan
Akin	Cantor	Dunn
Alexander	Capito	Edwards
Andrews	Capps	Ehlers
Baca	Capuano	Emanuel
Bachus	Cardin	Emerson
Baird	Cardoza	Engel
Baker	Carson (IN)	English
Baldwin	Carson (OK)	Eshoo
Ballance	Carter	Etheridge
Ballenger	Case	Evans
Barrett (SC)	Castle	Everett
Bartlett (MD)	Chabot	Farr
Barton (TX)	Chocola	Fattah
Bass	Clay	Feeney
Beauprez	Clyburn	Filner
Becerra	Coble	Flake
Bell	Cole	Fletcher
Bereuter	Collins	Foley
Berkley	Combest	Forbes
Berman	Conyers	Ford
Berry	Cooper	Fossella
Biggert	Costello	Frank (MA)
Bilirakis	Cox	Franks (AZ)
Bishop (GA)	Cramer	Frelinghuysen
Bishop (NY)	Crane	Frost
Bishop (UT)	Crenshaw	Gallegly
Blackburn	Crowley	Garrett (NJ)
Blumenauer	Culberson	Gerlach
Blunt	Cummings	Gibbons
Boehlert	Cunningham	Gilchrest
Boehner	Davis (AL)	Gillmor
Bonilla	Davis (CA)	Gingrey
Bonner	Davis (FL)	Gonzalez
Bono	Davis (IL)	Goode
Boozman	Davis (TN)	Goodlatte
Boswell	Davis, Jo Ann	Gordon
Boucher	Davis, Tom	Goss
Boyd	Deal (GA)	Granger
Bradley (NH)	DeFazio	Graves
Brady (PA)	DeGette	Green (TX)
Brady (TX)	Delahunt	Green (WI)
Brown (OH)	DeLauro	Greenwood
Brown (SC)	DeLay	Grijalva
Brown, Corrine	DeMint	Gutierrez
Brown-Waite, Ginny	Deutsch	Gutknecht
Burgess	Diaz-Balart, L.	Hall
Burns	Diaz-Balart, M.	Harman
Burr	Dicks	Harris
Burton (IN)	Doggett	Hart
Buyer	Dooley (CA)	Hastings (FL)
	Doolittle	Hastings (WA)

Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—11

Allen
Cubin
Dingell
Ferguson
Gephardt
Kilpatrick
Lowey
Simpson
Smith (MI)
Taylor (NC)
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded that there are less than 2 minutes remaining on the clock.

□ 1701

Mr. FLAKE changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1704

RECOGNIZING THE COURAGE AND SACRIFICE OF UNITED STATES ARMED FORCES HELD AS PRISONERS OF WAR DURING THE VIETNAM CONFLICT AND CALLING FOR A FULL ACCOUNTING OF THOSE WHO REMAIN UNACCOUNTED FOR

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 62.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the resolution, H. Res. 62, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 25]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner

Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Allen
Baca
Cubin
Dingell
Ferguson
Gephardt
Kilpatrick
Simpson
Smith (MI)
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there is less than 2 minutes remaining on the clock.

□ 1710

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BACA. Mr. Speaker, on rollcall No. 25, I was detained in the Chamber when the time elapsed on the vote. Had I not been detained and as a veteran, I would have voted "yea."

DO-NOT-CALL IMPLEMENTATION ACT

The SPEAKER pro tempore. The pending business is the question on the passage of the bill, H.R. 395, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 7, not voting 9, as follows:

[Roll No. 26]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Combest
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Bishop (UT)
Flake
Paul
Ryan (OH)
Strickland
Tancredo
Terry

NOT VOTING—9

Allen
Cubin
Dingell
Ferguson
Gephardt
Kilpatrick
Larson (CT)
Simpson
Tiberi

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded that 2 minutes are remaining on the vote clock.

□ 1717

Mr. TANCREDO changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 26, on final passage of H.R. 395, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, unfortunately, personal business required me to return to the district this evening before the House considered votes on legislative business for which the "yeas and neas" were ordered. Had I been present, I would have cast my votes as follows: Rollcall No. 24 (H.R. 346), The American Spirit Fraud Prevention Act, "yea"; rollcall No. 25 (H. Res. 62), A resolution recognizing Vietnam prisoners of war, "yea"; and on rollcall No. 26, H.R. 395, The Do-Not-Call Implementation Act, "yea."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4, PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2003

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 108–9) on the resolution (H. Res. 69) providing for consideration of the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBER TO COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. DOOLITTLE. Madam Speaker, I offer a resolution (H. Res. 70) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 70

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives: Education and the Workforce: Mr. Burns.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

CONFIRM MIGUEL ESTRADA AS FEDERAL JURIST

(Mr. DRIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I have taken this time during 1-minutes to simply rise in strong support of some very important work that is taking place, and that is the prospect of confirming Miguel Estrada.

I do not personally know this man, but I wanted to say, Madam Speaker, that I have read about his record and I have talked to many people who know him very well; and I happen to believe that he would be a superb jurist. And having spoken with people of both political parties, I have heard very good things about him. And I would simply like for the record to make it clear that I believe that he would be a phenomenally good jurist, and I hope very much that will take place.

APPOINT MIGUEL ESTRADA AS FEDERAL JUDGE

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Madam Speaker, I too join my colleague from California (Mr. DREIER). I do not know personally Mr. Estrada, but I understand he is considered to be quite outstanding by all those who have known him. It is remarkable. It is also my understanding that at the age of 17 he came from Honduras and had very limited English abilities, and then he ended up going to a university and graduating from Harvard Law School magna cum laude and served as an editor of the Harvard Law Review. He was, I understand, an official in the Clinton administration, actually in the Solicitor General's office and has support from former Clinton administration people and has support from, I believe, the past six or seven Solicitors General of the United States. Truly a premiere candidate to serve in this important U.S. Court of Appeals for the D.C. circuit.

I just wanted to register my support for this individual, someone who is very outstanding, a great American, the first Hispanic to be appointed to the court of appeals. It would be outstanding, Madam Speaker, and I appreciate the opportunity to voice my support for him today.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORTING MIGUEL ESTRADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, Thomas Jefferson said, ''The great object of my fear is the Federal Judiciary. That body, step by step, holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them.''

And today, Mr. Speaker, the object of my fear is an unrestrained judiciary, a judiciary too quick to abandon the ideals of our forefathers and the tenets of our Constitution, a judiciary swelling with unchecked authority.

The heart of a republic rests on its judiciary, Mr. Speaker, and the confirmation of Miguel Estrada is vital to this Republic. He is a brilliant attorney who has repeatedly upheld and has been upheld repeatedly and will continue to be upheld. He also upholds the virtues of this Nation's sacred Constitution.

Arriving from Honduras at age 18, speaking no English, this man has become the personification of the American dream. And I urge the President to stand strong in his support of Miguel Estrada and to stand strong in his support of making sure that we maintain a judiciary in this country that reads the law for what it is.

For if our judiciary continues on the path that it is, Mr. Speaker, I think perhaps the rest of us can go home. I just call upon the President to be encouraged and to recognize that there are Americans that are very grateful to him for the courage that he shows and for the clarity that he shows in his appointments.

Mr. Speaker, I hope that this appointment and this confirmation can go forward unfettered.

□ 1730

EXPLORING SPACE MORE EFFICIENTLY

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, now, some more than 7 days after the fateful return of the Columbia seven, those of us from Texas and around the Nation are quick to understand the headline in a local newspaper that says, Astronauts, the hero next door. For those of us in Texas, these were, in fact, our neighbors, our friends, certainly those who many worshiped with. But today, now more than ever, we recognize that these individuals were willing to give the ultimate sacrifice, and that was their lives, for the betterment of humanity.

Unfortunately, what tragedy causes us to do is to reflect, to understand that what we often take for granted is, in fact, precious and unique. It is unique to send man, woman, humanity into space. It is unique what the United States has been able to do now for almost 40 years.

I want to applaud the NASA employees' commitment that they have as a unified group. I know that they are hurting because of this tragedy.

I have always said over the last 7 days that it is important for us to heal and to be able to acknowledge the pain that the families are feeling, but today was appropriate for the first congressional hearing to be held; and I thank the Members of the other body and the chairman of the House Committee on Science and the ranking member for convening us today to begin the process of reality.

The words that I often say are that we find fault without blame, that we are not afraid to acknowledge mistakes and that we make it better. For example, it is important to note that there is now some interest in an orbital plane, a very good vehicle, but we must be reminded that what the space shuttle meant was not just a transportation vehicle, but it was a floating laboratory where scientists, medical professionals and others were able to engage in science and research that helped to create better lives for all of us, research in diabetes, research in HIV/AIDS, heart disease, cancer, stroke, research in prostate cancer and breast cancer.

So we cannot fail to understand the mission and out of fear or expeditiousness move to another vehicle because we are concerned about this tragedy. Be concerned and get the facts.

We understand that the shuttle cost $450 million. The fatality rate is about 1 in 57. On the other hand, we realize that there are better ways of enhancing the safety. One of them, of course, is finding the facts and being able to provide the resources for putting the United States at the cutting edge of science. I cannot imagine that because of where we are that we will not listen to the families who issued the statement, ''The human space flight must continue.'' That should be the legacy.

Yet we must not fall away from the fact that in 1994 a commissioned NASA study by Stanford and Carnegie-Mellon said that 15 percent of tiles could cause 85 percent of failure, or of the observations of a NASA engineer in 1997 that said debris striking the tile would cause damage. Let us not run away from facts or the mistakes.

I believe that we have seen a considerable imbalance of funding. I am gratified by the increase that we see coming in the 2004 fiscal year proposal, and I hope the Congress will recognize

that in addition to the moneys we need and have received, or will receive, for the investigation, let us put NASA and the space program and human space flight on the track it needs to be.

Let us not forget the dream that we would go to Mars, we would go to the moon, but most importantly, what we would do would enhance humanity with the research and understanding of these bright and outstanding men and women who are willing to give us the ultimate sacrifice.

Can we as Americans and the United States Congress do any less for them? Yes, these are ordinary people who have been chosen to do extraordinary things. These are the astronauts, the heroes next door. We cannot falter, we cannot stop or stumble. We must pay tribute to their legacy by exploring space more efficiently, more safely and with the resources we need to have.

HONORING BISHOP BORGESS HIGH SCHOOL AND ACADEMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, as our Nation's space program has touched the lives of all Americans with both triumph and tragedy, I rise today to honor the special bond of courage and discovery between our seven *Columbia* astronauts and Mr. Ronald Ferenczi's science class at Bishop Borgess High School, which is located in my district.

In conjunction with NASA's initiatives to foster a love of scientific knowledge and exploration amongst America's youth, Mr. Ronald Ferenczi's science class created a space experiment to study the effects of solar radiation on the T–4 virus, antibiotics and related drugs and materials. Then, to their delight and awe, the students' ingenious experiment was then chosen for inclusion on *Columbia*'s mission of discovery, and brimming with curiosity and pride, the students eagerly watched and awaited *Columbia*'s return, until . . .

Mr. Speaker, our Nation's space program, buoyed by courage and dedicated to discovery, echoes the journey of life, for cradled within our frail vessels, our lives constitute courageous voyages of discovery about our world and about ourselves; and as with every worthy journey of discovery, the road ahead is often hard and as often filled with triumph as it is with tragedy.

Consequently, how we cope and continue along our path of self-discovery is now and will always be our greatest trial and our greatest triumph because the courageous endurance of unfathomable suffering on the path to self-discovery is now and will always be the greatest moral measure of humanity.

In conclusion, then, to Mr. Ferenczi and his students at Bishop Borgess Academy whose names are Jason Bowens, Tangie Brooks, Evan Collins, Christopher Hill, Lawrence Nelson, Melvin Packer, Ashleigh Roberts, Darryl Earthen, Arielle Williams, Kelsey Dean, Martez Mitchell and Pauline Smith, I offer my sincerest accolades on their accomplishment.

My deepest condolences on their suffering, and I join them in thanking *Columbia*'s fallen crew, not only for what they have taught us about space, but for what they have taught us about ourselves. May we honor their memory by continuing their voyage of discovery.

MAKING AMERICAN PEOPLE SAFER IN THEIR HOMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, Americans are nervous. The United States is on Orange Alert. The reports are that stores have sold out of duct tape, plastic sheeting, bottled water, minimal supplies for people to defend themselves against the unthinkable, chemical or biological attack, and to make themselves safe in their homes. Americans do not feel safe in their homes or here in the United States of America.

We are told by intelligence sources and the FBI that there are hundreds of al Qaeda operatives at large in the United States of America who they are either tracking or cannot find. Yesterday Osama bin Laden, their fanatical leader, gave a speech urging them to attack, suicide attacks against the United States of America.

Osama bin Laden. My colleagues remember him. Remember, the President wanted, dead or alive; we will get him; we will bring him to justice. The President is not allowed to mention his name anymore. It has been more than 10 months since the President has mentioned the name Osama bin Laden because his administration has failed miserably in finding and bringing him to justice. In all probability, he has been given safe haven by the intelligence services in Pakistan, and he, according to our intelligence services and his operatives, according to our FBI and others, presents the greatest threat to the security of Americans and the most immediate threat to the security of Americans.

There are other threats that are out there that are making people nervous. We have here a poster from a rally in Pyongyang a week ago Saturday. Now, Kim Jong-il, psychopathic leader and oppressor of the people of North Korea, he has thrown out the U.N. inspectors, thrown them out, and he is actively pursuing more, not a, more nuclear weapons. He already has them. He is actively building more missiles of longer range.

We were told today by Mr. Tenet he may have already achieved a missile that can reach the western United States and target my home State in addition to Alaska and Hawaii.

He has threatened preemptive strikes against the United States of America or, minimally, against our 36,000 troops who are trying to safeguard the people of South Korea from this fanatic. This is a poster from a rally a week ago Saturday, and it says here, Merciless Punishment to the American Empire, and it depicts the United States Capitol being blown up by a North Korean soldier.

But this is a back-burner issue with the Bush administration. It pales in the face of the real threat to America. Osama bin Laden? No. Saddam Hussein, who is in a box, without nuclear weapons, without the capability of delivering whatever chemical-biological weapons he might have had hidden and he is shuffling around his country, trying to keep them away from the inspectors who are on the ground in Iraq, unlike the inspectors who were thrown out of North Korea.

But the Bush administration says, Do not worry, we will get around to this someday, sometime, maybe later, through diplomacy. This could be settled through diplomacy, a maniac who has nuclear weapons and is encouraging rallies, showing the United States Capitol being blown up, someone who has the capability of actually doing that; we can solve that diplomatically, but somehow we cannot work through the U.N. and the inspectors in Iraq.

We have got Saddam Hussein in a box. Get more inspectors in there. Get the overflights going. Keep him in that box, work with our allies. Keep him in that box. Sooner or later, the inspectors will find and destroy his weapons just as they did in the 1990s. Yeah, he is playing games. Yeah, he is hiding stuff. He did that then. We found it. We destroyed it. We can do that again.

Is the United States so diminished in the eyes of this administration and others that we cannot contain a threat like Saddam Hussein and deal with extraordinary threats like this up front, and find and apprehend and bring to justice Osama bin Laden and his operatives? I think not.

I think the American people have real doubts about this rush to war and real doubts about the priorities that this administration is putting on the threats to our Nation and our country.

I hope the administration begins to deal more seriously with this problem and gets out there and finds Osama bin Laden, and I will support those efforts, and then continue to contain and defang Saddam Hussein. That would make the American people safer in their homes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. TERRY) is recognized for 5 minutes.

(Mr. TERRY addressed the House. His remarks will appear hereafter in the Extentions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON of Indiana addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO FOUR BRAVE MEN OF U.S. ARMY'S 160TH SPECIAL OPERATIONS AVIATION REGIMENT

(Mr. COOPER asked and was given permission to address the House for 1 minute.)

Mr. COOPER. Mr. Speaker, I rise today to pay tribute to four remarkable men, four brave men from the U.S. Army's 106th Special Operations Aviation Regiment who gave their lives recently while in service to our country.

On Thursday, January 30, 2003, the four-member crew was participating in training operations near Bagram Air Base in Afghanistan when their MH–60 Blackhawk helicopter crashed. The elite Night Stalker 160 SOAR unit, which is stationed at Fort Campbell near my home district in Tennessee, honored these four aviators at a memorial service last week. Chief Warrant Officer 3 Mark O'Steen, Chief Warrant Officer 2 Thomas Gibbons, Staff Sergeant Daniel Leon Kisling, Jr., and Sergeant Gregory Michael Frampton were remembered as deeply patriotic and devoted family men.

Their tragic loss will not be forgotten among family members, friends or fellow soldiers that they left behind, nor will it fade from the memories of those who live and work in Fort Campbell. Each of these men made the greatest sacrifice a soldier can make, to give his life for the cause of preserving our freedom.

I thank them for serving our country proudly and honorably.

□ 1745

LEGISLATION ESTABLISHING DELTA BLACK BELT REGIONAL AUTHORITY

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from Alabama (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Alabama. Mr. Speaker, I rise tonight on behalf of the 635,000 citizens in my congressional district, which is one of the three poorest congressional districts in the United States of America. As we focus on this budget and all the pressing economic needs in our country, we ought to remember that there is a class of Americans whose needs often go unaddressed in this body and elsewhere. It is the millions of Americans who live in the Black Belt of the South, or the Delta Region of the South.

Just yesterday, I introduced legislation that I hope will crystallize attention on this problem that has gone for too long without a voice. We have a Delta Regional Authority in this country that is very ably led by Pete Johnson of the State of Mississippi. I seek to expand that authority to create a Delta Black Belt Regional Authority, and I seek that this body make a commitment that would be unprecedented in terms of its investment of resources in the southern and central parts of this country.

This legislation, if enacted, would ask that $100 million be appropriated in the first fiscal year to 552 counties and 14 States in this country of ours. I recognize that I come before this Congress asking that this commitment be made at a time when the priorities of the President are very different. Across the South we see economic development programs being cut. We see the enterprise communities and the empowerment zones that have been so critical in my State and so critical in the States of so many of my colleagues zeroed out, eliminated from funding. We see funding for rural hospitals cut back. Our priorities, I would submit, are firmly and fundamentally wrong on all these issues.

Too many people are losing their jobs. Too many companies are closing in the South. And I would submit that at this point we have two Souths. We have one that is prosperous, we have one that is growing, one that is in touch with the modern economy that we have. We have another one that is languishing; we have another one that has lagged behind. It is the second South that I represent in the seventh district of Alabama.

We need to make a commitment that when 40 percent of the people in various counties live in poverty, we need to make a commitment that when too many children in the South live in school districts that are underfunded, that we put their concerns at the top of our agenda. We can talk all we want about economic development, but until we find ways to grow the physical infrastructure of the South and, more importantly, capitalize and build the human infrastructure of the South, we will see two Souths. We will see the South that I represent lag behind.

When the President talks about compassionate conservatism, he does it with great eloquence. But his budgetmakers need to meet his speech-makers. We need to make a commitment that we will put resources and that we will give these resources a chance to work in a part of our country that has gone ignored.

This legislation, and I have circulated ''Dear Colleague'' letters to many of the Members of the House, has a chance of passage if we remember two priorities: First of all, that this entire country is anchored and weighted down if the rural South continues to lag; and second of all, that no country can be strong when too many of the people who live in its borders are weak. No country can be strong when too many of the people who live in its borders are weak. There is too much weakness in the South tonight. There is too much poverty in the South tonight. And it is time that we make an unprecedented national commitment in this area.

This legislation would do one final thing. It would give local communities, through a constituent representation board that I would put in this legislation, it would give them an opportunity to control 20 percent of the funding that would be allocated to this new authority. It is important that the people who live on the ground, who do the work in our community and faith-based organizations have a chance to control and direct resources. It is important that they have an opportunity to control the way Federal funds are spent. Too many people are locked out of this process. Too many people are in situations where their voices go unheard as we think about how we spend economic development dollars.

So I speak tonight on behalf of the rural South. I speak on behalf of the millions of children who live in poverty in that region, and I call for a national commitment beyond any that we have made.

IN SUPPORT OF MIGUEL ESTRADA'S CONFIRMATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, the history of our Nation was forged in the balmy summer of 1787 in what was at the time the statehouse of Pennsylvania in Philadelphia. There the geniuses who created the Constitution of the United States created three separate branches of government and a system of checks and balances within that government that would provide for the common defense, promote the general welfare, and ensure the blessings of liberty for not only themselves but we, their posterity.

Central to that balance of power, Mr. Speaker, was the notion of an independent judiciary, which, at the level of the Federal Court, would be governed by the appointment of the President of the United States. But again it was not without checks and balances, Mr. Speaker, because the Senate itself, under the Constitution, was given the authority to review the qualifications of individuals that the chief executive would appoint for the judiciary.

And so our Nation proceeded from the basement home of the Supreme Court, which is still in this building today, back when it met just off the House Chamber for one day a year, to the august building and the awesome legacy of the U.S. Supreme Court today. And yet, Mr. Speaker, somewhere along the way, about the time of my youth, our Supreme Court seems, as it has done at different times in its history, the Dred Scott case comes to mind, the Supreme Court seems to

have gotten out of step with the American people, banning innocuous voluntary prayer in the schools in the 1960s; and, as a pro-life American, striking down the laws against abortions in all 50 States in 1973.

Many, and me included, Mr. Speaker, believe that we have a judiciary that has begun to move left when America stayed as a center-right Nation in its philosophies. But we counted on the checks and balances, Mr. Speaker. We counted on the ability, through elections, to correct that imbalance for these lifetime-appointed jurists. When 1980 came along, a center-right majority elected Ronald Reagan President of the United States, and that President nominated to the Court individuals who reflected that philosophy, that center-right majority philosophy in America.

And that is when we all heard of Judge Bork. Because that was at a time, it seems to me, Mr. Speaker, and we are seeing it lived out again at the other end of this building this very night, when the Senate of the United States as an institution departed from its historic role of evaluating the qualifications of appointees to the Court to evaluating their thoughts, evaluating their ideology. Before, throughout American history, the ideology or the views of appointees to the Court were decided in elections. The President's values would no doubt be reflected in his appointees to all parts of the government. But beginning in the 1980s, with Judge Bork's defeat as a Supreme Court nominee, we saw a different impact on the process, an activist Senate joining with an activist Court.

This plays out again today in the nomination of an extraordinary man, Miguel Estrada, President Bush's nominee to the U.S. Court of Appeals for the District of Columbia, without a doubt the second most powerful court in the United States of America. This young man, an immigrant born and raised in Honduras, law degree, magna cum laude from Harvard Law, is an American success story, no less than my own immigrant grandfather was, who came to these shores, worked hard, and lived the American Dream. Miguel Estrada is an extraordinary example of the American Dream.

I rise today, Mr. Speaker, to, however impolite, simply urge his confirmation in the Senate and his expeditious review by our colleagues.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that their remarks in debate may not include characterizations of the Senate or its actions or urge a course of action on the Senate.

TRIBUTE TO THE REVEREND DR. HENRY DELANEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BURNS) is recognized for 5 minutes.

Mr. BURNS. Mr. Speaker, I rise today to pay tribute to a great American. The Reverend Dr. Henry Delaney is an African American pastor in Savannah, Georgia. While I have not known the Reverend Delaney for long, what I have seen of him and his ministry has been mightily impressive. But I ask that you not just take my word for it. Many other national leaders in our country have recognized Reverend Delaney, including Senator LAMAR ALEXANDER from the State of Tennessee. Mr. ALEXANDER recognized Mr. Delaney in a chapter of his book entitled ''We Know What to Do.''

I would like to read a short excerpt from that chapter this evening. I have taken a few editorial liberties for the sake of clarity for this tribute.

Of Reverend Delaney Mr. ALEXANDER wrote: ''If you roll back the Federal Government, then who is going to do what needs to be done? Henry Delaney, that's who. He already has. He has reminded us how to confront the drug plague and shut down crack houses. He did it with faith and commerce and mostly private funding. He has achieved dramatic results without millions in Federal aid and without trampling anyone's rights.

''Henry moved to one of the poorest sections of Savannah, Georgia, in 1989. It is fair to say that a lesser person would have been daunted by what Reverend Delaney found in Savannah. He moved into a house on 32nd Street that had been boarded up and occupied by crack addicts. He inherited a ramshackle church whose property was about to be foreclosed on by the Department of Housing and Urban Development. His congregation consisted of 216 members, many of whom were afraid to attend church because of the drug dealers who overran the area.

''Reverend Delaney quickly went to work to improve the situation. He sought loans so he could start buying up the houses where the drug dealers lived. He bought five of them on one side of the street and eight in the next block. He kicked out the drug dealers and he started moving in pastors.

''His wife Ethel helped him repair the church and Members of the congregation pitched in to renovate the houses. With every house they overhauled, they expanded their drug-free zone. The church activities expanded and membership leaped to 3,000 members. Delaney now has 16 ministers of the gospel, all of whom live within two blocks of his church.

''His converts includes some of the very drug dealers that he evicted. One was shot 16 times when he was caught in a crossfire from a drug deal gone bad at a car wash. He had a miraculous recovery and now he never misses a Sunday morning service. They say that no one in the congregation sings ''Amazing Grace'' with more feeling.

''Reverend Delaney is educating inner-city kids in Savannah who otherwise would not be in school, who would drop out and be rejected or be expelled. Ethel Delaney, meanwhile, opened the Saint Paul's Community Cultural Center, or what she calls a Christian charm school for girls. Since they don't accept Federal money, both schools instill a heavy dose of discipline and religion.

''Henry also runs a homeless shelter for young men who are recovering drug addicts and recent parolees from prison, helping them find jobs and keeping them clean from drugs. What is different is the evangelistic fervor Reverend Delaney brings to this task. Many of these fellas have gone through the 28-day detox programs, but within 4 or 5 days, they are back at it. So every week, Monday, Wednesday and Friday, he keeps them busy with evening worship. On Tuesday, they have Bible study. On Sunday they attend church regularly. So far it has worked very well.

''He calls his shelter the Hallelujah House. This is how you have to conduct a war against drugs, using a series of trenches. It starts in the family. If you fail there, you have to take them off the streets, and you have to reassemble them at the workplace.

''Of all the uphill battles he and his wife wage, Henry is most perplexed by the Nation's failure to focus consistently on the drug issue. His is a voice from the inner city of Savannah that we should be listening to. In the 1970s, when national voices suggested that marijuana was cool and drugs were okay, kids used drugs. In the early 1980s, when national leadership and some of the media said it wasn't okay, drug use began to decrease.

□ 1800

Simply put, it is virtually impossible for people like Henry and Ethel Delaney to succeed if the streets of Savannah are awash with cocaine and crack. Keeping drugs out of the country is a matter of Federal law enforcement and foreign policy.

Of course, those local efforts depend on men like Henry Delaney. We need to learn from Henry Delaney and use his example to inspire others to achieve the same success in their communities.

So while there is no shortage of experts on national drug policy, it is probably time we started paying attention to the real experts like Reverend Delaney. He now has 60 preachers affiliated with his church, not all of them ordained, but his goal is to keep buying up the crack houses, moving in his ministers, and pushing out the drug dealers a block at a time until they are on the other side of the county line.

Mr. Speaker, we need more Henry Delaneys in this world.

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the

House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VETERANS ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I rise this evening to talk about the shocking and shabby treatment that this administration is directing toward our Nation's veterans. I would like to share some of the reasons I would make such a statement.

Approximately a year ago this administration decided they were going to raise the copay on prescription drugs that veterans would have to pay from $2 to $7 a prescription. So if a veteran goes to a VA hospital today, they are likely to see this poster up on the bulletin board, ''Did you know the medication copayment has changed from $2 to $7?''

I thought that was outrageous, and I introduced legislation in the last Congress to reduce that copayment back to $2, but in the President's most recent budget, he does not just want to charge veterans $7 a prescription, he wants to increase that to $15 per prescription. Think about that. In less than 2 years, the copayment will have gone from $2 to $7 to $15 a prescription.

Many of the veterans in Ohio get 10 or more prescriptions a month. If we multiply $15 times 10, that is $150 a month, and then veterans frequently get 3 months supply at a time. That is $150 times 3, for many veterans who are living on fixed income. It is shameful. It is shabby treatment.

Now, what else have they tried to do to veterans? Well, about a year ago they put out a memo from the VA headquarters saying that all of the health care providers were forbidden from marketing services that veterans are entitled to receive. In other words, the health care providers can no longer participate in community health fairs. They can no longer send out newsletters describing their services to veterans. They can no longer go to an American Legion post, for example, and sign up veterans for health care services. It is a gag order.

I call it the ''if they do not ask, we will not tell'' policy. If the veteran does not ask what they are entitled to receive, the VA will not tell them what they are entitled to receive. Furthermore, they will prohibit their health care providers from simply giving out that information.

Then, a few weeks ago, the VA decided to have a new category of veterans; priority 8, they called them. They said if you are a veteran and you are honorably discharged and you have served this country, but you make $26,000–$27,000 a year, you can no longer enroll in the VA health care system. Sorry, veteran, you paid the price, you have served the country, you have been honorably discharged, but we do not want to have anything to do with you because you make too much money. You make $26,000–$27,000 a year.

It gets worse. In the President's most recent budget, they are proposing that veterans who make as little as $24,000 a year, and they are referring to them as high-income veterans, would be required to pay a $250 annual enrollment fee just to participate in the VA health care system.

Here is what they are doing. They are saying, we are not going to tell veterans what you are entitled to receive, but if you happen to find out about our services, we are going to increase your copay from $2 to $15 a prescription. And then if you make $24,000 a year, which does not sound like a lot of money to me, not compared to those of us who make about $150,000 a year, but if you make $24,000 a year, we want to force you to pay a $250-per-year enrollment fee. And we want to increase the cost of going to a VA outpatient clinic from $15 to $20.

I think Members get the point. It is as if this administration has declared war on our Nation's veterans.

It is a shameful situation, and I urge this Congress to look at this veterans budget and to reevaluate what we are trying to do; and what we are suggesting needs to be done.

PUBLICATION OF THE RULES OF THE COMMITTEE ON TRANSPORTATION INFRASTRUCTURE 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, in accordance with clause 2(a) of Rule XI of the Rules of the House, I am submitting for printing in the RECORD a copy of the Rules of the Committee on Transportation and Infrastructure for the 108th Congress, adopted on February 12, 2003.

Rules of the Committee on Transportation and Infrastructure

United States House of Representatives

108th Congress

(Adopted February 12, 2003)

RULE I. GENERAL PROVISIONS.

(a) APPLICABILITY OF HOUSE RULES.—

(1) IN GENERAL.—The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees.

(2) SUBCOMMITTEES.—Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) INCORPORATION OF HOUSE RULE ON COMMITTEE PROCEDURE.—Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) PUBLICATION OF RULES.—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

(c) VICE CHAIRMAN.—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

RULE II. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS.

(a) REGULAR MEETINGS.—

(1) IN GENERAL.—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month.

(2) NOTICE.—The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting.

(3) CANCELLATION OR DEFERRAL.—If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration.

(4) APPLICABILITY.—This paragraph shall not apply to meetings of any subcommittee.

(b) ADDITIONAL MEETINGS.—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) SPECIAL MEETINGS.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) PROHIBITION ON SITTING DURING JOINT SESSION.—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE III. MEETINGS AND HEARINGS GENERALLY.

(a) OPEN MEETINGS.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) MEETINGS TO BEGIN PROMPTLY.—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(c) ADDRESSING THE COMMITTEE.—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration—

(1) only when recognized by the Chairman for that purpose; and

(2) only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(d) PARTICIPATION OF MEMBERS IN SUBCOMMITTEE MEETINGS AND HEARINGS.—All members of the Committee who are not members of a particular Subcommittee may, by unanimous consent of the members of such Subcommittee, participate in any subcommittee meeting or hearing. However, a member who is not a member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(e) BROADCASTING.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI of the Rules of the House and all other applicable rules of the Committee and the House.

(f) ACCESS TO THE DAIS AND LOUNGES.—Access to the hearing rooms' daises and to the lounges adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting or hearing of the Committee unless specifically permitted by the Chairman or ranking minority member.

(g) USE OF CELLULAR TELEPHONES.—The use of cellular telephones in the Committee hearing room is prohibited during a meeting or hearing of the Committee.

RULE IV. POWER TO SIT AND ACT; POWER TO CONDUCT INVESTIGATIONS; OATHS; SUBPOENA POWER.

(a) AUTHORITY TO SIT AND ACT.—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (d)(1))—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary.

(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—

(1) IN GENERAL.—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(2) MAJOR INVESTIGATIONS BY SUBCOMMITTEES.—A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

(c) OATHS.—The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(d) ISSUANCE OF SUBPOENAS.—

(1) IN GENERAL.—A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) ENFORCEMENT.—Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(e) EXPENSES OF SUBPOENAED WITNESSES.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

RULE V. QUORUMS AND RECORD VOTES; POSTPONEMENT OF VOTES

(a) WORKING QUORUM.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (d) of Committee Rule IV, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) QUORUM FOR REPORTING.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) APPROVAL OF CERTAIN MATTERS.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 3307 of title 40, United States Code.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) QUORUM FOR TAKING TESTIMONY.—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(e) RECORD VOTES.—A record vote may be demanded by one-fifth of the members present.

(f) POSTPONEMENT OF VOTES.—

(1) IN GENERAL.—In accordance with clause 2(h)(4) of Rule XI of the Rules of the House, the Chairman of the Committee or a subcommittee, after consultation with the ranking minority member of the Committee or subcommittee, may—

(A) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

(B) resume proceedings on a postponed question at any time after reasonable notice.

(2) RESUMPTION OF PROCEEDINGS.—When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE VI. HEARING PROCEDURES.

(a) ANNOUNCEMENT OF HEARING.—The Chairman, in the case of a hearing to be conducted by the Committee, and the appropriate subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman or the appropriate subcommittee chairman, as the case may be, with the concurrence of the ranking minority member of the Committee or subcommittee as appropriate, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) WRITTEN STATEMENT; ORAL TESTIMONY.—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) MINORITY WITNESSES.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) SUMMARY OF SUBJECT MATTER.—Upon announcement of a hearing, to the extent

practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) QUESTIONING OF WITNESSES.—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) PROCEDURES FOR QUESTIONS.—

(1) IN GENERAL.—A Committee member may question a witness at a hearing—

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this paragraph.

(2) EXTENDED QUESTIONING OF WITNESSES BY MEMBERS.—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than 5 minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) EXTENDED QUESTIONING OF WITNESSES BY STAFF.—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) RIGHT TO QUESTION WITNESSES FOLLOWING EXTENDED QUESTIONING.—Nothing in subparagraph (2) or (3) affects the right of a Member (other than a Member designated under subparagraph (2)) to question a witness for 5 minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) ADDITIONAL HEARING PROCEDURES.—Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for hearings) applies to hearings of the Committee and its subcommittees.

RULE VII. PROCEDURES FOR REPORTING BILLS, RESOLUTIONS, AND REPORTS.

(a) FILING OF REPORTS.—

(1) IN GENERAL.—The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) REQUESTS FOR REPORTING.—The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) QUORUM; RECORD VOTES.—

(1) QUORUM.—No measure, matter, or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) RECORD VOTES.—With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) REQUIRED MATTERS.—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clauses 2(c) and 3 of Rule XIII of the Rules of the House.

(d) ADDITIONAL VIEWS.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(1) of Rule XI of the Rules of the House.

(e) ACTIVITIES REPORT.—

(1) IN GENERAL.—The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) CONTENTS.—Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) OVERSIGHT SECTION.—The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(f) OTHER COMMITTEE MATERIALS.—

(1) IN GENERAL.—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release, and distribution in accordance with paragraph (d) of this rule.

(2) DOCUMENTS CONTAINING VIEWS OTHER THAN MEMBER VIEWS.—A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

(3) DISCLAIMER.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: ''This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members.''.

RULE VIII. ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS.

(a) ESTABLISHMENT.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios, are:

(1) Subcommittee on Aviation (48 Members: 26 Majority and 22 Minority).

(2) Subcommittee on Coast Guard and Maritime Transportation (15 Members: 8 Majority and 7 Minority).

(3) Subcommittee on Economic Development, Public Buildings, and Emergency Management (11 Members: 6 Majority and 5 Minority).

(4) Subcommittee on Highways, Transit, and Pipelines (57 Members: 31 Majority and 26 Minority).

(5) Subcommittee on Railroads (28 Members: 15 Majority and 13 Minority).

(6) Subcommittee on Water Resources and Environment (36 Members: 20 Majority and 16 Minority).

(b) EX OFFICIO MEMBERS.—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) RATIOS.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

RULE IX. POWERS AND DUTIES OF SUBCOMMITTEES.

(a) AUTHORITY TO SIT.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) CONSIDERATION BY COMMITTEE.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE X. REFERRAL OF LEGISLATION TO SUBCOMMITTEES.

(a) GENERAL REQUIREMENT.—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Committee Rule VIII referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall

be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) RECALL FROM SUBCOMMITTEE.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) MULTIPLE REFERRALS.—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

RULE XI. RECOMMENDATION OF CONFEREES.

The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman, and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XII. OVERSIGHT.

(a) PURPOSE.—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of the laws enacted by the Congress; or

(B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) OVERSIGHT PLAN.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) REVIEW OF LAWS AND PROGRAMS.—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) REVIEW OF TAX POLICIES.—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE XIII. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS.

(a) ENSURING ANNUAL APPROPRIATIONS.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved.

(b) REVIEW OF MULTI-YEAR APPROPRIATIONS.—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) VIEWS AND ESTIMATES.—The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget—

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) BUDGET ALLOCATIONS.—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) RECONCILIATION.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE XIV. RECORDS.

(a) KEEPING OF RECORDS.—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(2) a record of the votes on any question on which a record vote is demanded.

(b) PUBLIC INSPECTION.—The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) PROPERTY OF THE HOUSE.—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(d) AVAILABILITY OF ARCHIVED RECORDS.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

(e) AUTHORITY TO PRINT.—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.

RULE XV. COMMITTEE BUDGETS.

(a) BIENNIAL BUDGET.—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee, and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) ADDITIONAL EXPENSES.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) TRAVEL REQUESTS.—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XVII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) MONTHLY REPORTS.—Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XVI. COMMITTEE STAFF.

(a) APPOINTMENT BY CHAIRMAN.—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) APPOINTMENT BY RANKING MINORITY MEMBER.—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) INTENTION REGARDING STAFF.—It is intended that the skills and experience of all

members of the Committee staff shall be available to all members of the Committee.

RULE XVII. TRAVEL OF MEMBERS AND STAFF.

(a) APPROVAL.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel.

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made.

(3) The location of the event for which the travel is to be made.

(4) The names of members and staff seeking authorization.

(b) SUBCOMMITTEE TRAVEL.—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VI.

(c) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) The purpose of the travel.

(B) The dates during which the travel will occur.

(C) The names of the countries to be visited and the length of time to be spent in each.

(D) An agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved.

(E) The names of members and staff for whom authorization is sought.

(2) INITIATION OF REQUESTS.—Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) REPORTS BY STAFF MEMBERS.—At the conclusion of any hearing, investigation, study, meeting, or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) APPLICABILITY OF LAWS, RULES, POLICIES.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, and by the travel policy of the Committee.

RECOGNIZING SHERIFF O'BRIEN'S 30 YEARS OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. HOOLEY) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, I stand today to recognize someone in my district, John O'Brien, who is the sheriff of Lincoln County. It is in honor of his 30 years of law enforcement in Lincoln County. I extend a sincere thank-you to Sheriff O'Brien on my own behalf and on behalf of all of the citizens of Lincoln County.

Our laws are of little utility if no one makes sure they are followed. Seldom do we take the time to recognize the routine achievements that allow our Nation to function as it should. Many times it is only the pitfalls, the unfortunate breakdowns in our system, that draw attention to law enforcement. Such fickle evaluation of our law enforcement officers is manifestly unjust. The fact is that the grand majority of our days are without incident. The rule of law reigns. The people reject upheaval.

These points demonstrate that the greatest victories of law enforcement are its contributions to regularity. We never recognize the people who give us plain, old, ordinary days. Perhaps we should.

Accordingly, it is with great pride that I congratulate Sheriff John O'Brien. His bravery, dedication and service in building a safer and stronger community have provided the people with Lincoln County with thousands of wonderfully uneventful days.

Sheriff O'Brien's career demonstrates a commitment to public service to which every officer of the law should aspire. John O'Brien began his career as a sheriff's deputy on February 6, 1973. The people of Lincoln County elected him to the office of Sheriff in 1994 and have subsequently seen fit to elect him to second and third terms. As all of us are aware, voters are properly cautious in selecting the people who represent them.

An official's first election often indicates a willingness in the people to chance their own best interests on someone who has shown that he has the ability to succeed. That official's second election is very often a barometer of the official's contact with the electorate during his term of service. With his third election comes proof that he has served his constituents to their satisfaction.

This is the satisfaction of Lincoln County reflected in its overwhelming choice of Sheriff O'Brien as the public face of law enforcement in their community. The confidence of Lincoln County's voting public in Sheriff O'Brien attests to the success of his efforts and his responsiveness to the people he serves.

I would like to tell a little story about John O'Brien. Every time, at the coast, at Lincoln County, John is always at my meetings. And I keep asking him, ''John, you are always here.'' He says, ''I just want you to know that we are here, what our needs are, and I want you to understand about our community.''

To this day, John O'Brien remains an active protector of Lincoln County's public safety. He has risen to meet the challenges of an increasingly difficult job. Changing times have altered the issues with which Sheriff O'Brien is faced, but he has shown the ability to adapt and battle new problems with modern solutions.

Lincoln County has in recent years encountered an increase in the manufacture and sale of methamphetamines. Sheriff O'Brien has turned this growing problem into an opportunity to spearhead innovative new crime-reduction strategies. Through his work with the federally supported Lincoln Interagency Narcotics Team, Sheriff O'Brien has encouraged the sharing of resources and information between county agencies with an interest in reducing drug traffic. This work not only demonstrates Sheriff O'Brien's desire to get results, but also his complete disregard for who receives credit for those results. His willingness to work with other agencies in facing down a dangerous trend is evidence of a cooperative spirit and a will to succeed that we honor here today.

Mr. Speaker, Sheriff O'Brien is worthy of recognition today for more than simply putting in his time. While 30 years of service in the public interest is a feat in itself, Sheriff O'Brien's true contribution has been in its effect on Lincoln County. Today we recognize that Lincoln County is a better place to live, to work and raise a family because of the devotion of Sheriff John O'Brien.

I thank John for his 30 years of service given in the pursuit of safety, justice and peace.

PUBLICATION OF THE RULES OF THE COMMITTEE ON RESOURCES 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. POMBO) is recognized for 5 minutes.

Mr. POMBO. Mr. Speaker, I request that the Committee Rules for the Committee on Resources be submitted for the RECORD.

RULES FOR THE COMMITTEE ON RESOURCES

RULE 1. RULES OF THE HOUSE: VICE CHAIRMEN

(a) Applicability of House Rules.

(1) The Rules of the House of Representatives, so far as they are applicable, are the rules of the Committee and its Subcommittees.

(2) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee. References in these rules to ''Committee'' and ''Chairman'' shall apply to each Subcommittee and its Chairman wherever applicable.

(3) House Rule XI is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Vice Chairmen.—Unless inconsistent with other rules, the Chairman shall appoint a Vice Chairman of the Committee and the Subcommittee Chairman will appoint Vice Chairmen of each of the Subcommittees. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, as the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the Committee or Subcommittee who is present shall preside at that meeting.

RULE 2. MEETINGS IN GENERAL.

(a) Scheduled Meetings.—The Committee shall meet at 10 a.m. every Wednesday when the House is in session, unless canceled by the Chairman. The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee. Special meetings shall be called and convened by the Chairman as provided in clause 2(c)(1) of House Rule XI. Any Committee meeting or hearing that conflicts with a party caucus, conference, or similar party meeting shall be rescheduled at the discretion of the Chairman, in consultation with the Ranking Minority Member. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(b) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, except as provided by clause 2(g) and clause 2(k) of House Rule XI.

(c) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI. The provisions of clause 4(f) of House Rule XI are specifically made part of these rules by reference. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of House Rule XI and all other applicable rules of the Committee and the House.

(d) Oversight Plan.—No later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of House Rule X.

RULE 3. PROCEDURES IN GENERAL.

(a) Agenda of Meetings; Information for Members.—An agenda of the business to be considered at meetings shall be delivered to the office of each Member of the Committee no later than 48 hours before the meeting. This requirement may be waived by a majority vote of the Committee at the time of the consideration of the measure or matter. To the extent practicable, a summary of the major provisions of any bill being considered by the Committee, including the need for the bill and its effect on current law, will be available for the Members of the Committee no later than 48 hours before the meeting.

(b) Meeting and Hearings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time stipulated in the public announcement of the meeting or hearing.

(c) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except as provided in Committee rule 4(g). A Member shall limit his remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(d) Quorums.

(1) A majority of the Members shall constitute a quorum for the reporting of any measure or recommendation, the authorizing of a subpoena, the closing of any meeting or hearing to the public under clause 2(g)(1), clause 2(g)(2)(A) and clause 2(k)(5)(B) of House Rule XI, and the releasing of executive session materials under clause 2(k)(7) of House Rule X. Testimony and evidence may be received at any hearing at which there are at least two Members of the Committee present. For the purpose of transacting all other business of the Committee, one third of the Members shall constitute a quorum.

(2) When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be notified and the Members shall have not less than 15 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Chief Clerk to note the names of all Members present within the 15-minute period.

(e) Participation of Members in Committee and Subcommittees.—All Members of the Committee may sit with any Subcommittee during any hearing, and by unanimous consent of the Members of the Subcommittee may participate in any meeting or hearing. However, a Member who is not a Member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum or raise points of order.

(f) Proxies.—No vote in the Committee or its Subcommittees may be cast by proxy.

(g) Record Votes.—Record votes shall be ordered on the demand of one-fifth of the Members present, or by any Member in the apparent absence of a quorum.

(h) Postponed Record Votes.

(1) Subject to paragraph (2), the Chairman may, after consultation with the Ranking Minority Member, postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman shall resume proceedings on a postponed request at any time after reasonable notice, but no later than the next meeting day.

(2) Notwithstanding any intervening order for the previous question, when proceedings resume on a postponed question under paragraph (1), an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(3) This rule shall apply to Subcommittee proceedings.

(i) Motions.—A motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege.

(j) Layover and Copy of Bill.—No measure or recommendation reported by a Subcommittee shall be considered by the Committee until two calendar days from the time of Subcommittee action. No bill shall be considered by the Committee unless a copy has been delivered to the office of each Member of the Committee requesting a copy. These requirements may be waived by a majority vote of the Committee at the time of consideration of the measure or recommendation.

(k) Access to Dais and Conference Room.—Access to the hearing rooms' daises and to the conference rooms adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting of the Committee.

(i) Cellular Telephones.—The use of cellular telephones is prohibited on the Committee dais or in the Committee hearing rooms during a meeting of the Committee.

RULE 4. HEARING PROCEDURES.

(a) Announcement.—The Chairman shall publicly announce the date, place, and subject matter of any hearing at least one week before the hearing unless the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote. In these cases, the Chairman shall publicly announce the hearing at the earliest possible date. The Chief Clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information on the Committee's web site as soon as possible after the public announcement is made.

(b) Written Statement; Oral Testimony.—Each witness who is to appear before the Committee or a Subcommittee shall file with the Chief Clerk of the Committee or Subcommittee Clerk, at least two working days before the day of his or her appearance, a written statement of proposed testimony. Failure to comply with this requirement may result in the exclusion of the written testimony from the hearing record and/or the barring of an oral presentation of the testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in consultation with the Ranking Minority Member, extends this time period. In addition, all witnesses shall be required to submit with their testimony a resume or other statement describing their education, employment, professional affiliations and other background information pertinent to their testimony.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Information for Members.—After announcement of a hearing, the Committee shall make available as soon as practicable to all Members of the Committee a tentative witness list and to the extent practicable a memorandum explaining the subject matter of the hearing (including relevant legislative reports and other necessary material). In addition, the Chairman shall make available to the Members of the Committee any official reports from departments and agencies on the subject matter as they are received.

(e) Subpoenas.—The Committee or a Subcommittee may authorize and issue a subpoena under clause 2(m) of House Rule XI if

authorized by a majority of the Members voting. In addition, the Chairman of the Committee may authorize and issue subpoenas during any period of time in which the House of Representatives has adjourned for more than three days. Subpoenas shall be signed only by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.

(f) Oaths.—The Chairman of the Committee or any Member designated by the Chairman may administer oaths to any witness before the Committee. All witnesses appearing in hearings may be administered the following oath by the Chairman or his designee prior to receiving the testimony: ''Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?''.

(g) Opening Statements; Questioning of Witnesses.

(1) Opening statements by Members may not be presented orally, unless the Chairman or his designee makes a statement, in which case the Ranking Minority Member or his designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee is a constituent of a Member of the Committee, that Member shall be entitled to introduce the witness at the hearing.

(2) The questioning of witnesses in Committee and Subcommittee hearings shall be initiated by the Chairman, followed by the Ranking Minority Member and all other Members alternating between the Majority and Minority parties. In recognizing Members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or the Members of the Minority. A motion is in order to allow designated Majority and Minority party Members to question a witness for a specified period to be equally divided between the Majority and Minority parties. This period shall not exceed one hour in the aggregate.

(h) Materials for Hearing Record.—Any materials submitted specifically for inclusion in the hearing record must address the announced subject matter of the hearing and be submitted to the relevant Subcommittee Clerk or Chief Clerk no later than 10 business days following the last day of the hearing.

(i) Claims of Privilege.—Claims of common-law privileges made by witnesses in hearings, or by interviewees or deponents in investigations or inquiries, are applicable only at the discretion of the Chairman, subject to appeal to the Committee.

RULE 5. FILING OF COMMITTEE REPORTS.

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to secure its passage without any additional authority needing to be set forth in the motion to report each individual measure. In appropriate cases, the authority set forth in this rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure that is substantially the same as the House measure as reported.

(b) Filing.—A report on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House of Representatives is not in session) after the day on which there has been filed with the Committee Chief Clerk a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing with the Committee Chief Clerk of this request, the Chief Clerk shall transmit immediately to the Chairman notice of the filing of that request.

(c) Supplemental, Additional or Minority Views.—Any Member may, if notice is given at the time a bill or resolution is approved by the Committee, file supplemental, additional, or minority views. These views must be in writing and signed by each Member joining therein and be filed with the Committee Chief Clerk not less than two additional calendar days (excluding Saturdays, Sundays and legal holidays except when the House is in session on those days) of the time the bill or resolution is approved by the Committee. This paragraph shall not preclude the filing of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(d) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed Committee report before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (c).

(e) Disclaimer.—All Committee or Subcommittee reports printed and not approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report:

''This report has not been officially adopted by the {Committee on Resources} {Subcommittee} and may not therefore necessarily reflect the views of its Members.''.

RULE 6. ESTABLISHMENT OF SUBCOMMITTEES; FULL COMMITTEE JURISDICTION; BILL REFERRALS.

(a) Subcommittees.—There shall be five standing Subcommittees of the Committee, with the following jurisdiction and responsibilities:

Subcommittee on National Parks, Recreation and Public Lands

(1) Measures and matters related to the National Park System and its units, including Federal reserve water rights.

(2) The National Wilderness Preservation System, except for wilderness created from forest reserves from the public domain.

(3) Wild and Scenic Rivers System, National Trails System, national heritable areas and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of the Interior, other than coastal barriers.

(4) Military parks and battlefields, national cemeteries administered by the Secretary of the Interior, parks in and within the vicinity of the District of Columbia and the erection of monuments to the memory of individuals.

(5) Federal outdoor recreation plans, programs and administration including the Land and Water Conservation Fund, except those in public forests.

(6) Plans and programs concerning non-Federal outdoor recreation and land use, including related plans and programs authorized by the Land and Water Conservation Fund Act of 1965 and the Outdoor Recreation Act of 1963, except those in public forests.

(7) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including national monuments, historic sites and programs for international cooperation in the field of historic preservation.

(8) Matters concerning the following agencies and programs: Urban Parks and Recreation Recovery Program, Historic American Buildings Survey, Historic American Engineering Record, and U.S. Holocaust Memorial.

(9) Public lands generally, including measures or matters relating to entry, easements, withdrawals, grazing and Federal reserved water rights.

(10) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(11) Cooperative efforts to encourage, enhance and improve international programs for he protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittees.

Subcommittee on Forests and Forest Health

(1) Forest reservations, including management thereof, created from the public domain.

(2) Public forest lands generally, including measures or matters related to entry, easements, withdrawals and grazing.

(3) Federal reserved water rights on forest reserves.

(4) Wild and Scenic Rivers System, National Trails System, national heritage areas and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of Agriculture.

(5) Federal and non-Federal outdoor recreation plans, programs and administration in public forests.

(6) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(7) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Fisheries Conservation, Wildlife and Oceans

(1) Fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries, the Magnuson-Stevens Fishery Conservation and Management Act, interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety and fisheries promotion.

(2) Wildlife resources, including research, restoration, refuges and conservation.

(3) All matters pertaining to the protection of coastal and marine environments, including estuarine protection.

(4) Coastal barriers.

(5) Oceanography.

(6) Ocean engineering, including materials, technology and systems.

(7) Coastal zone management.

(8) Marine sanctuaries.

(9) U.N. Convention on the Law of the Sea.

(10) Sea Grant programs and marine extension services.

(11) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environmental and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Water and Power

(1) Generation and marketing of electric power from Federal water projects by Federally chartered or Federal regional power marketing authorities.

(2) All measures and matters concerning water resources planning conducted pursuant to the Water Resources Planning Act, water resource research and development programs and saline water research and development.

(3) Compacts relating to the use and apportionment of interstate waters, water rights and major interbasin water or power movement programs.

(4) All measures and matters pertaining to irrigation and reclamation projects and other water resources development and recycling programs, including policies and procedures.

(5) Indian water rights and settlements.

(6) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(7) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Energy and Mineral Resources

(1) All measures and matters concerning the U.S. Geological Survey, except for the activities and programs of the Water Resources Division or its successor.

(2) All measures and matters affecting geothermal resources.

(3) Conservation of United States uranium supply.

(4) Mining interests generally, including all matters involving mining regulation and enforcement, including the reclamation of mined lands, the environmental effects of mining, and the management of mineral receipts, mineral land laws and claims, long-range mineral programs and deep seabed mining.

(5) Mining schools, experimental stations and long-range mineral programs.

(6) Mineral resources on public lands.

(7) Conservation and development of oil and gas resources of the Outer Continental Shelf.

(8) Petroleum conservation on the public lands and conservation of he radium supply in the United States.

(9) Measures and matters concerning the transportation of natural gas from or within Alaska and disposition of oil transported by the trans-Alaska oil pipeline.

(10) Rights of way over public lands for underground energy-related transportation.

(11) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Subcommittee.

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(b) Full Committee.—The Full Committee shall have the following jurisdiction and responsibilities:

(1) Environmental and habitat measures and matters of general applicability.

(2) Measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

(3) All matters regarding the relations of the United States with Native Americans and Native American tribes, including special oversight functions under Rule X of the Rules of the House of Representatives.

(4) All matters regarding Native Alaskans and Native Hawaiians.

(5) All matters related to the Federal trust responsibility to Native Americans and the sovereignty of Native Americans.

(6) All matters regarding insular areas of the United States.

(7) All measures or matters regarding the Freely Associated States and Antarctica.

(8) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources otherwise within the jurisdiction of the Full Committee under this paragraph.

(9) All measures and matters retained by the Full Committee under Committee rule 6(e).

(10) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Committee under House Rule X.

(c) Ex-officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each standing Subcommittee to which the Chairman or the Ranking Minority Member have not been assigned. Ex-officio Members shall have the right to fully participate in Subcommittee activities but may not vote and may not be counted in establishing a quorum.

(d) Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet hold hearings, receive evidence and report to the Committee on all matters within its jurisdiction. Each Subcommittee shall review and study, on a continuing basis, the application, administration, execution and effectiveness of those statutes, or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress. Each Subcommittee shall review and study any conditions or circumstances indicating the need of enacting new or supplemental legislation within the jurisdiction of the Subcommittee.

(e) Referral to Subcommittees; Recall.

(1) Except as provided in paragraph (2) and for those matters within the jurisdiction of the Full Committee, every legislative measure or other matter referred to the Committee shall be referred to the Subcommittee of jurisdiction within two weeks of the date of its referral to the Committee. If any measure or matter is within or affects the jurisdiction of one or more Subcommittees, the Chairman may refer that measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence subject to appropriate time limits, or divide the matter into two or more parts and refer each part to a Subcommittee.

(2) The Chairman, with the approval of a majority of the Majority Members of the Committee, may refer a legislative measure or other matter to a select or special Subcommittee. A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee for direct consideration by the Full Committee, or for referral to another Subcommittee, provided Members of the Committee receive one week written notice of the recall and a majority of the Members of the Committee do not object. In addition, a legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee at any time by majority vote of the Committee for direct consideration by the Full Committee or for referral to another Subcommittee.

(f) Consultation.—Each Subcommittee Chairman shall consult with the Chairman of the Full Committee prior to setting dates for Subcommittee meetings with a view towards avoiding whenever possible conflicting Committee and Subcommittee meetings.

(g) Vacancy.—A vacancy in the membership of a Subcommittee shall not affect the power of the remaining Members to execute the functions of the Subcommittee.

RULE 7. TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES

(a) Appointment.—The Chairman of the Committee is authorized, after consultation with the Ranking Minority Member, to appoint Task Forces, or special or select Subcommittees, to carry out the duties and functions of the Committee.

(b) Ex-Officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each Task Force, or special or select Subcommittee if they are not otherwise members. Ex-officio Members shall have the right to fully participate in activities but may not vote and may not be counted in establishing a quorum.

(c) Party Ratios.—The ratio of Majority Members to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee shall be as close as practicable to the ratio on the Full Committee.

(d) Temporary Resignation.—A Member can temporarily resign his or her position on a Subcommittee to serve on a Task Force, special or select Subcommittee without prejudice to the Member's seniority on the Subcommittee.

(e) Chairman and Ranking Minority Member.—The Chairman of any Task Force, or special or select Subcommittee shall be appointed by the Chairman of the Committee. The Ranking Minority Members shall select a Ranking Minority Member for each Task Force, or standing, special or select Subcommittee.

RULE 8. RECOMMENDATION OF CONFEREES.

Whenever it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended to the Chairman by the Ranking Minority Member, primarily responsible for the measure. The ratio of Majority Members to Minority Members recommended for conferences shall be no greater than the ratio on the Commerce.

RULE 9. COMMITTEE RECORDS.

(a) Segregation of Records.—All Committee records shall be kept separate and distinct from the office records of individual Committee Members serving as Chairmen or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them in accordance with clause 2(e)(2) of House Rule XI.

(b) Availability.—The Committee shall make available to the public for review at reasonable times in the Committee office the following records:

(1) transcripts of public meetings and hearings, except those that are unrevised or unedited and intended solely for other use of the Committee; and

(2) the result of each record vote taken in the Committee, including a description of the amendment, motion, order or other proposition vote on, the name of each Committee Member voting for or against a proposition, and the name of each Member present but not voting.

(c) Archived Records.—Records of the Committee which are deposited with the National Archives shall be made available for public use pursuant to House Rule VII. The Chairman of the Committee shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of House Rule VII, to withhold, or to provide a time, schedule or condition for availability of any records otherwise available. At the written request of any Member of the Committee, the matter shall be presented to the Committee for a determination and shall be subject to the same notice and quorum requirements for the conduct of business under Committee rule 3.

(d) Records of Closed Meetings.—Not withstanding the other provisions of this rule, no records of Committee meetings or hearings which were closed to the public pursuant to the Rules of the House of Representatives shall be released to the public unless the Committee votes to release those records in accordance with the procedure used to close the Committee meeting.

(e) Classified Materials.—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

RULE 10. COMMITTEE BUDGET AND EXPENSES.

(a) Budget.—At the beginning of each Congress, after consultation with the Chairman of each Subcommittee and the Ranking Minority Member, the Chairman shall present to the Committee for its approval a budget covering the funding required for staff, travel, and miscellaneous expenses.

(b) Expense Resolution.—Upon approval by the Committee of each budget, the Chairman, acting pursuant to clause 6 of House rule X, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Administration and by the House of Representatives.

(c) Amendments.—The chairman shall report to the Committee any amendments to each expense resolution and any related changes in the budget.

(d) Additional Expenses. Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this rule.

(e) Monthly Reports.—Copies of each monthly report, prepared by the Chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each Member.

RULE 11. COMMITTEE STAFF.

(a) Rules and Policies.—Committee staff members are subject to the provisions of clause 9 of House Rule X, as well as any written personnel policies the Committee may from time to time adopt.

(b) Majority and Nonpartisan Staff.—The Chairman shall appoint, determine the remuneration of, and may remove, the legislative and administrative employees of the Committee not assigned to the Minority. The legislative and administrative staff of the Committee not assigned to the Minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of these staff members and delegate any authority he determines appropriate.

(c) Minority Staff.—The Ranking Minority Member of the Committee shall appoint, determine the remuneration of, and may remove, the legislative and administrative staff assigned to the Minority within the budget approved for those purposes. The legislative and administrative staff assigned to the Minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate any authority he determines appropriate.

(d) Availability.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 12. COMMITTEE TRAVEL.

In addition to any written travel policies the Committee may from time to time adopt, all travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences and investigations, including all foreign travel, must be authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, all travel shall first be approved by the Ranking Minority Member. Funds authorized for the committee under clauses 6 and 7 of House Rule X are for expenses incurred in the Committee's activities within the United States.

RULE 13. CHANGES TO COMMITTEE RULES.

the rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that 48 hours written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted on. A change to the rules of the Committee shall be published in the Congressional Record no later than 30 days after its approval.

RULE 14. OTHER PROCEDURES.

The Chairman may establish procedures and take actions as may be necessary to carry out the rules of the Committee or to facilitate the effective administration of the Committee, in accordance with the rules of the Committee and the rules of the House of Representatives.

MISGUIDED ADMINISTRATION POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I come to the floor this evening with a heavy heart. I came to Washington, D.C., in 1993 as part of the Clinton administration. We worked hard for 8 years. We passed on to the next administration a $5 trillion surplus. We passed on to the next administration peace and prosperity.

Today it is not that way. The great country singer Merle Haggard has a song that he sings; it is called ''Rainbow Stew.'' One of the verses in there says when a President goes through the White House door and does what he says that he will do, we will all be drinking that free Bubble-up and eating that rainbow stew.

When the President came here a few weeks ago and gave us the State of the Union, one of the things he promised was that we would not pass our problems on to another Congress or on to another generation. And yet just a week ago Monday we are presented with a proposed budget from that same President that is nothing more than an assault on our children, on working people, on veterans.

We are asking our young men and women to go on the battlefield, and at the same time we just heard the gentleman from Ohio (Mr. STRICKLAND) tell us what the President is proposing to do to veterans.

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He said, ''We're not going to pass this problem on to the next generation.'' Yet in his own budget, by his own Office of Management and Budget, we are faced with about another $468 billion in debt. Check with the CRS. The percent of the gross domestic product that the nation of Brazil has in debt is 60 percent. The percent of debt that the United States of America has of our gross domestic product is 62 percent. And that is what we owe today. That does not include 300-plus billion-dollar deficits for as long as anyone can imagine. Yet the President presents us with this idea that we can have it all: it's rainbow stew. Just reach out there and grab you some. Have a big drink. It's free Bubble-up. We can cut taxes, we can fight at least two wars, maybe more, we can provide everything that anybody is going to possibly dream up, and nobody has to pay. We'll just keep borrowing money.

I have a button back there at my desk that they told me I could not wear when I came on the floor to make a speech. It says, How much is the debt tax? How much are we going to pile on our children and grandchildren? How much of a debt are we going to continue to just put on our children and grandchildren that they cannot pay? No nation, I submit to you, Mr. Speaker, can be free and powerful and broke, and that is where we are headed.

I have been on this floor many times. I have heard people make great patriotic remarks, declare their intense love for this country; and I share that love. I think the Founders, our Founding Fathers, would absolutely be disgusted with what we are doing right now, with the idea that we are going to borrow ourselves into financial oblivion by just continuing to borrow money and borrow money and borrow money and not even acknowledge that we have got a problem.

It is time, Mr. Speaker, that we recognize that we cannot continue to do this irresponsible thing.

THE PRESIDENT'S BUDGET

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I appreciate the opportunity to speak. I very much want to thank the gentleman from Arkansas (Mr. BERRY) for what he had to say. I too heard the President of the United States just a couple of weeks ago stand

in this well and tell the American people we would not pass our problems on to the next generation. Maybe the President does not read his own budget. I would hope he does. He signs it before he sends it to us. Maybe the President is not aware that since the passage of his budget and his tax cuts that our Nation's debt has increased by $758,108,651,628.89. The first $2 trillion budget in American history incidentally was not submitted by a guy named Dukakis or a wild-eyed liberal named McGovern. It was submitted by George W. Bush. The first $2.25 trillion budget in American history was not submitted by a wild-eyed liberal. It was submitted by George Bush.

Mr. Speaker, I would hope someone in this body would explain to me that when the tax cuts take place with great fanfare, they take place during the middle of the day or during prime time TV. But when my Republican colleagues want to raise the debt limit and burden the next generation with these bills, that vote takes place about 3 or 4 in the morning. You will notice there will not be a reporter up there. Most of our constituents will be asleep. If they are proud of raising the debt and seeing to it that an even larger percentage of our Nation's budget is squandered on interest and we are squandering a billion a day, that is a thousand times a thousand times a thousand, then why will you schedule a vote to raise the debt at 3 or 4 o'clock in the morning? Why will you change the House rules so that now, by just the adoption of the President's budget, we automatically raise the debt if you are proud of that?

Mr. Speaker, please explain to me and explain to the American people why a group of people is elected to govern this country who promised to balance the budget, who promised to be fiscally responsible, yet in the over 1,400 days that Speaker HASTERT has been Speaker of this House of Representatives, he will not even schedule one vote on a balanced budget amendment to the United States Constitution. We vote to condemn people across the world. We vote to commend people across the world. We have cast 25 votes since this session started. The way I figure it, thus far Congress is being paid $1,000 per vote this year. But you cannot find time, Mr. Speaker, to schedule a vote on the most important thing of all, which is balancing the American budget so that this generation does not ask the next generation to pay our bills.

Mr. Speaker, answer back. Would you go out and buy a car, go out and buy a Lexus and say, I don't care what it costs, I don't care what the interest payments are because my grandkid is going to pay for it? Would you go buy a house? The same deal. I want the most expensive house in town; I don't care what the interest payments are because my kid is going to pay for it. That is the way you are running this country.

What is particularly sad is that you promised the American people you would not do that. That is how you got in the majority. And then you flat turned around and did just the opposite. You will not let us vote on the balanced budget amendment, you are running up $300 billion a year deficits, and your only answer to that is more debt and more tax cuts.

I will remind you, Mr. Speaker, in every other conflict in American history, when we asked our young people to put their lives on the line, the rest of Americans were asked to pay the bill, right then and there. And quite frankly, the wealthiest Americans were asked to pay the most. The inheritance tax was a wartime tax. The luxury taxes were all wartime taxes. The folks who got to stay home and enjoy the benefits of America paid while someone else did the fighting. But at least they paid.

What do you say now, Mr. Speaker? You say those who have the most should pay even less and, by the way, the kids from across town, the kids from across the tracks, let them go get shot in Afghanistan, let them go get shot in Colombia protecting a pipeline owned by Occidental Petroleum. Let that kid get shot in Iraq and, by the way, send him the bill for this war when he gets home.

Mr. Speaker, there are a lot of good people in this body. A majority of people in this body came to this body saying they were going to be fiscally responsible. Where are they now? Where are they going to be tomorrow when we vote on a $300 billion bill that not one Member has read, that no one has any idea what sort of stuff is buried in it? Mr. Speaker, where are they going to be tomorrow? Because if those people care about their country, they will let us vote on a balanced budget amendment. If they care about their country, they will vote down this bill tomorrow until they have had a chance to read it. If they care about our country, they will quit sticking our kids with their bills.

IN RECOGNITION OF RESCUE TASK FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, there is a movie that I saw recently which depicted three actors who became troubleshooters and helped to save a small town in Mexico. The name of the movie was ''The Three Amigos.'' As I recall, they had a slogan that wherever there was injustice or poverty, they would be there. In reality, in real life, there are two amigos who have organized a small task force that is called Rescue Task Force and where there are problems in the world, where people are sick or need medical help or they are victims of a crossfire in a real shooting war, the two amigos are there.

In fact, they are with us today in these Chambers, Mr. Speaker. It is Gary Becks, who works on my staff, and Wendell Cutting, my chief of staff in my congressional district. Wendell is the cochairman of this task force and does it without any remuneration. They have gone to places like Albania. They were the first people into the Kosovo conflict. They went into the first refugee camp, a camp in which every single child had some type of an illness or a malady. They were the first people to distribute food and medicine. And they were the first people to go up into the very remote camps through what was basically a no-man's land where a number of nongovernmental organizations had taken rifle fire just a few days before.

If you look at the outline of what Rescue Task Force does, you can look at the pictures and see Gary Becks dressing wounds in Afghanistan. You can see Wendell in the slums of Thailand teaching sanitation. You can see them both distributing help in Kosovo. You can see them establishing the first-ever dental clinic in the area of the Nicaraguan-Honduran border.

Mr. Speaker, I am very proud of these two gentlemen and this organization, Rescue Task Force. They also started the program we call Hands Across the Border, where they have directed literally tons and millions of dollars' worth of medical supplies and food and toys for people who hurt, to quote the President, in Mexico. They have gone around the world.

Interestingly, Mr. Speaker, a lot of us in this city are listening to people who are explaining to us why other nations in the world may not like us right now in this particular phase of our foreign policy in the Middle East and explaining that the United States needs to reach out and to educate people as to what we do and what we stand for. I would say, Mr. Speaker, that nobody reaches out as effectively nor is as good an ambassador as these folks, not only in Rescue Task Force but hundreds of American charitable organizations who bring food and medical supplies to Africa, to Afghanistan, to other vast areas of the world, very distant areas where it is obvious that they are not going to receive anything in return. In fact, if you looked at the situation in Afghanistan and you looked at the roster of nations that were supplying humanitarian help in Afghanistan, before the military operations, before we had to go in and find the al Qaeda, you will find the Americans leading the list, supplying most of the food, most of the medicine, and that is reflective of what Rescue Task Force does.

I am very proud of Rescue Task Force, Mr. Speaker. I think it is representative of the goodness that this country has and the willingness of our people to reach out and give some of their resources to other people around the world with no intention to ever receive anything in return except the

good feelings that come from their values, that come to anyone who reaches out to help someone in need.

WHY DEFICITS MEAN SOMETHING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. TANNER) is recognized for 5 minutes.

Mr. TANNER. Mr. Speaker, I am a member of the Blue Dog Coalition, as everybody knows. The gentleman from Texas (Mr. STENHOLM) is here with me. The gentleman from Arkansas (Mr. BERRY) was here earlier, as was the gentleman from Mississippi (Mr. TAYLOR). This is going to be a first in a series of, I hope, enlightened or enlightening exercises that we do with regard to why deficits mean something in this country.

I heard some of the most astounding rhetoric I have ever heard in my life when there are some in this town who say deficits do not matter. We are going to try to point out why they do over the next few weeks.

Mr. Speaker, do you realize that today we are passing on to our children and our grandchildren an 18 percent mortgage on this country? We have literally mortgaged our children's future by our spending habits and our inability or our lack of courage to raise the necessary funds to pay for what my generation wants.

□ 1830

The President has submitted a budget that is another $300 billion in the red. Let me just say why that matters.

We already are paying, as a people, a billion dollars a day in interest on past consumption. If we do the math on that, there are 129.9 million individual taxpayers in this country, that means that every individual taxpayer last year paid on average $2,556 on the debt, interest on the debt, a debt tax that will continue to go up under these present economic policies that we are asked to follow.

It gets even worse than that, though, because what happens is, every time we borrow money, we have put a tax increase not only on us, but on our children and grandchildren, that can never be repealed because the interest must be paid. It is a tax increase every day we sit here spending more money or not having the courage to raise the money we need to protect this country and the people who live here.

Every day we do that is another tax on our children and us and our grandchildren that cannot be repealed. That is what the debt tax is. That is what the interest tax is.

And it really is ironic that people would sit here and say, we are not going to pass on the problems of this Congress on this day, in this hour, to those who come after us. If our forefathers had done to us what we are doing to our children and grandchildren, we would not have the standard of living we have today, that we have had and enjoyed. We would not have the opportunities, because we would not have the discretionary income for education, for health care, for veterans, for the world class military that we all know is necessary for the defense of this country.

We will not have that money. It will continue to go out in the form of interest payments.

What the gentleman from Arkansas (Mr. BERRY) said about Brazil, we are not creditworthy were it not for the full faith, credit and confidence of the people of this country in terms of what we have done in borrowing money. It is a shame what is going on each and every day.

The gentleman from Mississippi (Mr. TAYLOR) asked for a balanced budget amendment vote, 1,400-some pages. We do not have one. This Congress, if it does not come face to face with the fact that we are spending a lot of money that we did not count on because of 9–11 that we have to spend to protect this country, our first and foremost obligation as Members of Congress, if they do not come face to face with that and understand that we have to get the money up to pay for it or else pass it on to our children in the form of a debt tax that can never be repealed, then we have shamefully failed not only our oath of office, but we have shamefully failed those who will follow us.

And each and every day a billion dollars goes out of this place to pay interest, and each and every day we operate in the red, it is more piled on. That is why deficits matter and that is what the Blue Dogs are going to be talking about over the next few weeks.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PUTNAM) is recognized for 5 minutes.

(Mr. PUTNAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, just a few days ago the President stood in where the Clerk of the House stands and told the Nation that we will not pass along our problems to other Congresses, other Presidents and other generations. I stood and applauded that statement because I agree with my President. I agree with my commander in chief.

Then I was somewhat disappointed, considerably disappointed, when the administration's budget came through projecting a $307 billion deficit for next year and deficits as far as the eye can see. The President's budget protects cumulative deficits of over $2.1 trillion from 2002 through 2011. That is a $7.7 trillion deterioration of our fiscal matters of this country in 2 years.

The Blue Dogs stood on this floor and opposed the economic game plan that we are now under. We were not prophetic. We agreed with the majority party on the spending, but we were not even allowed to have our budget on the floor, and we have heard nothing but rhetoric ever since.

But now the results of the economic game plan are coming in, and I want everyone to understand, 60 percent of the deterioration has occurred because of 9–11–01 and the military homeland defense needs of this country and the recession. But 40 percent of that deterioration has occurred because of the economic game plan that we are now under.

I personally happen to agree with the President's leadership regarding solving the Social Security problem while we still had a chance. Again, I am ready to step forward in a bipartisan way and work with my colleagues to take care of that debt for our children. But that is not what we are talking about today. That is not what is being proposed and talked about in the budget.

After 4 years of reduction in the debt held by the public and warnings by administration and Republican after Republican in Congress that the government would pay off the debt too quickly 2 years ago, debt held by the public will exceed $5 trillion by 2008, a 50 percent increase, a debt tax increase on the American people that every taxpayer will have to pay, a debt tax increase under the administration's budget that is being proposed.

The administration requested the statutory debt limit be increased for the second time in less than a year. That ought to tell us something. When we are having to increase the debt limit so we can borrow more money, it ought to tell us there is something wrong with the game plan that we are now following.

The greatest danger of the deficits in the President's budget is that it will make it harder to address the challenges facing Social Security and Medicare when our baby boom generation begins to retire in the next decade. Instead of saving money to prepare for those costs, we will already be in a deep hole when the $18 trillion liability facing those programs begins to come due. The analytical prospectus volume of the President's budget, the administration warned us, as the baby boomers reach retirement age in large numbers, the deficit is projected to rise steadily as a percent of GDP. Deficits will grow from 2.2 percent of GDP in 2020 to 5.4 percent in 2030 to 8.8 percent in 2040 under the President's budget policies. How can we continue to ignore that today?

The debt tax is real. It is an increase. But instead of our paying for it today, what are we saying? We are going to give this generation another tax cut. And no one, including the President's

own budget analysis, shows that it is going to do anything other than increase the debt.

And we are not even talking about paying for the war, the war that we all pray will not come, but it looks like it is; and I am behind my commander in chief 100 percent. But the rhetoric of the economy in the budget does not match the rhetoric of what is needed as the gentleman from Mississippi (Mr. TAYLOR) spoke so eloquently on a moment ago. The debt tax consumed 18 percent of all government revenues to pay interest on the $6.4 trillion debt last year. That debt tax will go up to 19.5 percent by 2008 under the economic game plan that we are being asked to support.

I ask my colleagues as one Democrat who used to vote with you and we passed the balanced budget constitutional amendment in 1995, what has happened to you? What has caused you to suddenly start saying, deficits do not matter, balancing the budget does not matter?

The Blue Dogs stand ready to work with our President and with the majority in seeing that we do not increase the taxes on our children through the debt tax.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. CASE) is recognized for 5 minutes.

(Mr. CASE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUPPORTING THE NOMINATION OF MIGUEL ESTRADA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, I rise this morning in support of the nomination of Miguel Estrada. If Miguel Estrada were considered for Federal bench on merits alone, we would not be still debating his qualifications. He would already be serving.

Estrada was given the very highest recommendation by the American Bar Association, not what those who seek to tar and feather him would consider a right wing organization. While we prefer our Tennessee law schools, we do know that some consider Harvard to be a pretty good alternative. Mr. Estrada not only graduated from Harvard, but was the editor of the Law Review. Again, Harvard is not what Estrada's critics would consider a right wing organization. And in what can only be described as a stellar career, he went on to clerk for Supreme Court Justice Anthony Kennedy, who is also not considered by those on the left to be part of the right wing.

I think my point is clear. Partisan politics are behind the attacks on his character and the delay in his nomination.

With the country on alert for terrorist attacks, a potential conflict in Iraq, and effort on the way to enact economic stimulus, it is time to stand behind this extremely qualified candidate.

CHENEY TASK FORCE RECORDS AND GAO AUTHORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, last Friday, February 7, the General Accounting Office abandoned its efforts to obtain basic records about the operation of the Vice President's Task Force on Energy Policy. This action received only limited attention, and few people fully understand its profound consequences.

When we have divided government, the public can expect Congress to conduct needed oversight over the executive branch. But today we are living in an era of one-party control. This means the House and the Senate are not going to conduct meaningful oversight of the Bush administration. When there is one-party control of both the White House and Congress, there is only one entity that can hold the administration accountable, and that is the independent General Accounting Office. But now GAO has been forced to surrender this fundamental independence.

When GAO decided not to appeal the District Court decision in Walker v. Cheney, it made a fateful decision. In the Comptroller General's words, GAO will now require ''an affirmative statement of support from at least one full committee with jurisdiction over any records they seek to access prior to any future court action by GAO.'' Translated, what this means is that GAO will bring future actions to enforce its rights to documents only with the blessings of the majority party in Congress.

This is a fundamental shift in our system of checks and balances. For all practical purposes, the Bush administration is now immune from effective oversight by the Congress. Some people say GAO should never have brought legal action to obtain information about the energy task force, but in reality GAO had no choice.

The Bush administration's penchant for secrecy has been demonstrated time and time again. The Department of Justice has issued a directive curtailing public access to information under the Freedom of Information Act. The White House has restricted access to Presidential records. The administration has refused to provide information about the identity of over 1,000 individuals detained in the name of homeland security.

The White House deliberately picked this fight with GAO in order to secure its power to run the government in secret. From the start, the White House assumed a hostile and uncompromising position, arguing that GAO's investigation ''would unconstitutionally interfere with the functioning of the executive branch.'' Even when GAO voluntarily scaled back its request, dropping its demand for minutes and notes, the Vice President's office was intransigent. Faced with an administration that had no interest in reaching an accommodation, GAO was left with no choice. Reluctantly on February 22, 2002, GAO filed its first-ever lawsuit against the executive branch to obtain access to information.

□ 1845

In December, the district court in the case issued a sweeping decision in favor of the Bush administration, ruling that GAO had no standing to sue the executive branch. The judge in the case was a recent Bush appointee who served as a deputy to Ken Starr during the Independent Counsel investigation of the Clinton administration. The judge's reasoning contorted the law, and it ignored both Supreme Court and appellate court precedent recognizing GAO's right to use the courts to enforce its statutory rights to information.

Before deciding whether to pursue an appeal, the Comptroller General consulted with congressional leaders. He found no support from Republican leaders for an appeal.

This hypocrisy is simply breathtaking. During the 1990s, it was the Republicans in Congress who embarked on a concerted effort to undermine the authority of the President. Congressional committees spent over $15 million investigating the White House. They demanded and received information on the innermost workings of the White House. They subpoenaed top White House officials to testify about the advice they gave the President. They forced the White House to disclose internal White House documents, memos, e-mails, phone records, and even lists of guests at White House movie showings. They abused congressional powers, and they launched countless GAO investigations.

But now that President Bush and Vice President CHENEY are in office—

The SPEAKER pro tempore (Mr. PEARCE). The time of the gentleman has expired.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER pro tempore. The Chair cannot entertain the motion. The gentleman's time has expired.

THE BUSH RECESSION AND ITS IMPACT ON MINORITY WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I yield to the gentleman from California (Mr. WAXMAN).

CHENEY TASK FORCE RECORDS AND GAO AUTHORITY

Mr. WAXMAN. Mr. Speaker, I thank the gentlewoman for yielding, because

I want to make this point very clearly that now that the President is Bush and the Vice President is Cheney, suddenly the priorities of the Republicans have changed. Oversight is no longer of interest to them. In fact, it is something to be avoided at all costs, including sacrificing the independence of GAO. Even when GAO asked for the most basic information, what private interest met with the White House task force, the answer is that GAO is not entitled to ask these questions.

Consider this irony. In their eagerness to undermine the Clinton White House, Republicans in Congress tried to tear down the Presidency. Now, in their eagerness to protect the Bush White House, they are willing to tear down Congress.

The implications of GAO's decision are enormous when they decided not to appeal; and without a realistic threat of legal action, GAO loses most of its leverage. This is a sea change in GAO's mission. It is no longer fundamentally nonpartisan nor fundamentally independent.

Mr. Speaker, I include for the record three short documents into the RECORD. They are an exchange of correspondence with the Comptroller General on this issue and a fact sheet on the Walker versus Cheney case that my staff has provided.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, January 31, 2003.

Hon. DAVID M. WALKER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR DAVE: I am writing to follow up on our conversation about the Walker versus Cheney litigation.

I have great admiration for the work you have done as Comptroller General. You have reinvigorated the organization and given it a new sense of purpose, accomplished important restructuring, and addressed pressing human capital needs.

But now you face another—and in some ways even more significant—challenge: how you respond to the district court decision in Walker versus Cheney. This decision goes to the very heart of GAO's independence.

As you have indicated to me (and your lawyers have indicated to my staff), you will read the decision as narrowly as possible if you decide not to appeal. The narrow reading is that the case does not apply when you are acting pursuant to a request from a committee. If you decide not to appeal, you will take the position that GAO can still use the courts to uphold its statutory rights to information when supported by a committee of Congress.

While I understand the desire to minimize the impact of the district court decision, allowing the decision to stand would do irreparable damage to GAO's independence. As Comptroller General, you have a 15-year tenure, so that you can exercise independent judgment and conduct independent investigations. You are not simply an agent of congressional committees: GAO exists, to quote your mission statement, ''to ensure the executive branch's accountability to the Congress under the Constitution and the federal government's accountability to the American people.''

If you do not appeal, you will in effect have sacrificed the independent that is essential to your mission. At best, you will be able to pursue effective investigations only when your work is supported by the majority in Congress. Investigations that are requested by the minority would become second-class investigations because GAO would have no ability to compel—or to threaten credibly to compel—the production of information in the face of executive branch recalcitrance.

Allowing the district court decision to stand would also do permanent damage to the Comptroller General's statutory authority to conduct self-initiated work. Under Walker versus Cheney, this essential independence is crippled because you would have no standing to assert your independent rights of access to agency information.

Now is exactly the time when an independent GAO is most important. When the White House is controlled by one party and Congress by another party, the public can rely on Congress to conduct oversight of the administration. But when—as now—there is one-party control of both the White House and Congress, congressional oversight will be minimal. If GAO is not available to conduct independent oversight, there simply won't be any.

The need for GAO independence is especially important given the inclinations of the current Administration. This Administration has taken a uniquely hostile approach to oversight and public disclosure. The Administration regularly ignores requests from members of Congress for information, resists GAO efforts to obtain records, and has even issued a directive curtailing public access to information under the Freedom of Information Act. This penchant for secrecy makes GAO's independence of paramount importance.

Given the current political alignment in Washington, it is clear what the easy decision would be: don't appeal. But the core values of GAO are ''accountability, integrity, and reliability.'' I urge you to make your final decision on the basis of these core principles.

Sincerely,

HENRY A. WAXMAN,
Ranking Minority Member.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, February 7, 2003.

Hon. HENRY B. WAXMAN,
Ranking Minority Member, Committee on Government Reform, House of Representatives.

DEAR MR. WAXMAN: Thank you for your letter dated January 31, 2003, regarding the district court decision in *Walker* v. *Cheney* and your kind words on GAO's performance during my tenure as Comptroller General of the United States (CG).

I am announcing my decision today and have attached a copy of our press statement for your information (attachment). This decision, like my initial decision to file suit last February, was by no means an easy one to make because many factors needed to be considered, including legal, institutional and other issues. In addition, there were good arguments to be made both for and against an appeal. Please be assured that my decision was based on what, in my best judgment, is in the best overall interests of the Congress, the GAO, and the American public. I also feel comfortable that it is fully consistent with GAO's core values of ''accountability, integrity, and reliability.''

As noted in the attached statement, we strongly disagree with the district court decision. We do not, however, agree with your characterization of the opinion. In addition, we do not believe that the district court opinion will have a significant adverse effect on our ability to serve the Congress and the American people. Furthermore, with regard to GAO's policy of not disenfranchising the minority, the Court's decision did not address, and does not affect, our engagement acceptance policy or the CG's authority to conduct self-initiated work.

As you know, in enacting 31 U.S.C. §716, the Congress gave GAO the independent right to sue to compel the production of information irrespective of whether the request is made by a committee, a member, or is self-initiated by the CG. As the attachment notes, the district court's decision in *Walker* v. *Cheney* does not set a binding precedent on GAO's overall right to sue in the future. Importantly, it does not affect GAO's statutory audit authority, access rights, or the obligation of agencies to provide GAO information. As a result, we remain willing and able, should the facts and circumstances warrant, to file suit to press our access rights in connection with a different matter in the future. In addition, the court's decision does not affect GAO's ability to issue demand letters and statutory reports to the Congress in connection with an agency's refusal to disclose information to which we are entitled. There are also traditional remedies available to the Congress that can, have, and, we trust, will continue to be employed to aid our audit and access authority. However, as I noted when we met, given the district court's decision, and other considerations, as a matter of procedural prudence, I believe it would be appropriate to have an affirmative statement of support from at least one full committee with jurisdiction over any records access matter prior to any future court action by GAO. Furthermore, now that I have been in office for over four years, I believe it is appropriate to work with you and other Congressional leaders to review and update our current Congressional protocols and address certain other related matters.

We appreciate your past understanding and support and we trust that we can count on that same understanding and support in the future. I would be pleased to meet with you to discuss my decision should you so desire. In addition, I look forward to meeting with you soon to discuss our Congressional protocols and related matters.

Sincerely yours,

DAVID M. WALKER,
Comptroller General of the United States.

Attachment.

FACT SHEET—WALKER V. CHENEY

In December 2002, federal district court Judge John Bates issued a ruling in Walker verses Cheney that holds that GAO lacks ''standing'' to enforce its statutory rights to information. This ruling may do serious damage to GAO's ability to serve Congress. The court's ruling is so sweeping that the issue in the case is no longer about the actions of the Cheney energy task force: it's about the role of GAO.

GAO's ability to assist Congress in overseeing the executive branch is imperiled. Under the logic employed in the court's ruling. GAO has no standing to compel the executive branch to provide any documents or information. Thus, federal agencies may use the decision to argue that GAO cannot enforce its requests for information. In effect, agencies are likely to take the position that they—not GAO—can dictate what information is shared with GAO. According to the Congressional Research Service, the decision ''could greatly limit the ability of GAO to compel production of information from the executive branch'' and ''the executive branch could become significantly less responsive to future GAO inquiries.''

Other core GAO powers are also in jeopardy. GAO has statutory authority to demand important records from the private sector, such as information from Medicare or

Medicaid providers or from federal contractors. Using the logic in the court's ruling, private companies being audited by GAO may argue that GAO does not have standing to enforce these rights.

Another important function of GAO is its role in preventing improper ''impoundments'' by the executive branch. The Impoundment Control Act sets forth the limited circumstances under which the executive branch can defer expending appropriated funds. To ensure compliance with these limits, the law authorizes GAO to sue the executive branch if the law is violated. This core GAO authority could also be challenged by the executive branch under the court's ruling.

The court's decision even challenges Congress' ability to sue the executive branch. The opinion says that ''no court has ever ordered the Executive Branch to produce a document to Congress or its agents'' and dismisses Department of Justice opinions which conceded Congress' ability to sue to enforce a subpoena. According to CRS, the decision ''casts doubt on the ability of committees of the Senate and of the House of Representatives to bring suit to enforce subpoenas.'' If the decision is not reversed, CRS says that it ''conceivably could be cited by the executive branch—or even a private party—for the broad proposition that the legislative branch does not have standing to enforce its demands for information in the courts.''

No congressional remedy is available. In effect, the court ruled that Congress violated Article III of the Constitution when it authorized GAO to sue for access to information. This is not an issue that Congress can rectify by enacting more explicit legislation. If the opinion stands, a constitutional amendment could be required to revive GAO's powers.

There is a significant likelihood that the district court's decision will be overturned on appeal. The court's opinion is not well reasoned or well supported:

1. The court failed to recognize that heads of executive agencies routinely assert ''institutional'' injuries in litigation. The court rejects the Comptroller General's standing because the Comptroller General is asserting an ''institutional'' interest in obtaining information, not a personal injury. But heads of agencies always assert ''institutional'' interests in litigation. If standing required a ''personal'' stake in the litigation, the Attorney General and heads of other executive agencies could not bring legal action to assert federal rights. The court never explains why GAO's institutional interests asserted by agencies when they bring lawsuits to enforce their statutory rights to information.

2. The court improperly dictates to Congress how it must collect information needed for legislative purposes. The court's decision relies heavily on the fact that Congress did not vote to authorize the Walker v. Cheney litigation. The court does not hold that such a vote would be sufficient to gave GAO standing, but it does hold that GAO cannot have standing without such a vote. This is an unprecedented intrusion into the internal operations of the legislative branch. Congress determined by statute that it was appropriate to create GAO to assist members in collecting information and conducting oversight, just as Congress has created CBO to assist members on budget issues and CRS to assist members with their research needs. Congress also determined by statute that GAO should have the power to sue agencies for information, if necessary. No provision of the Constitution forbids Congress from creating congressional agencies to assist members in carrying out their duties, and no provision bars Congress from giving these agencies authorities, such as the ability to sue to obtain information, necessary to carry out their assigned duties. There is no precedent for the district court to prohibit Congress from doing so in this case.

3. The court ignored key precedents. The district court completely ignore Bowsher versus Merck, 460 U.S. 824 (1983). In this case, the Supreme Court upheld GAO's rights to obtain certain records from a drug company, rejecting the company's request for a declaratory judgment that GAO was not entitled to the records. The district court's holding that enforcing GAO's rights to information would violate the standing requirements of Article III conflicts fundamentally with the Supreme Court's decision to enforce these very rights in Bowsher versus Merck. The district court also ignores United States versus McDonnell Douglas Corp., 751 F.2d 220 (8th Cir, 1984), and United States versus Abbott Laboratories, 597 F.2d 672 (7th Cir. 1979), which upheld GAO's statutory right to bring a lawsuit to compel a contractor to provide records.

4. Raines v. Byrd is distinguishable. The district court relies on Raines versus Byrd, 521 U.S. 811 (1997), a case in which several members sued to challenge the constitutionality of the line-item veto. But there are three fundamental differences between the Raines case and this one. First, GAO is seeking access to information and not trying to prevent an abstract, generalized harm like diminution of congressional authority. The Supreme Court has held that the denial of information is a concrete injury that conveys standing. Second, the line-item veto at issue in the Raines case had not yet been exercised. In essence, the congressional plaintiffs were seeking an advance ruling that any exercise of the authority would be unlawful. In this case, there is a specific dispute over specific documents that is being litigated. Third, the Raines decision placed some importance on the fact that the members were not authorized to represent Congress, and in fact both houses of Congress opposed their lawsuit. Here, by contrast, Congress has specifically delegated to GAO the power to sue.

As a practical matter, GAO may be bound by the ruling if it does not appeal. Under GAO's statute, the D.C. district court is the only court where GAO can litigate claims against agencies for refusing to provide information, so this is not a situation in which GAO can gain a strategic advantage by looking for another venue to litigate the issues in question. If the decision is not appealed and GAO files another access suit in the future, the district court judge might rule that the issue of GAO's standing has been decided and cannot be re-litigated. Even if the judge allows the question of standing to be re-argued, the judge is likely to follow the precedent set by Judge Bates's ruling, and any appellate court would question why GAO did not appeal the initial ruling. If no appeal is taken, GAO could be permanently bound by the decision.

An appeal leaves open other grounds for decision. The government offered many arguments in the litigation, including statutory claims such as the one that GAO's authority to obtain ''agency'' records does not extend to the Office of the Vice President. These other issues go the merits of the dispute about GAO's right to the energy task force records. A decision on these other grounds, even if adverse to GAO, would not have the profound impact on the operations of GAO that the district court's ruling potentially has.

Ms. WATSON. Mr. Speaker, the American economy has been mired in recession since March of 2001. This past December saw the unemployment rate rise to 6 percent, meaning that one in every 17 American workers was out of work.

One of the most troubling aspects of this rescission is the amount of time that workers have been idle. During the Clinton economic expansion of the 1990s, America dramatically reduced long-term unemployment, those workers who had been out of work 27 weeks or more. From February of 1993 until February of 2001, roughly the amount of time Bill Clinton was in office, long-term unemployment fell by two-thirds. That is 1.2 million long-term unemployed Americans who went back to work.

But in less than 2 years of this administration, there is a recession and the administration has managed to completely erase those gains. By this past December, the administration's economic mismanagement has managed to push long-term unemployment back up to where it was when his father was in office.

I remember feeling a certain amount of deja vu after having another President Bush in office. But I do not think that many people realized that this administration would mismanage the economy so badly that we would return to economic stagnation reminiscent of the early 1990s.

But these broader economic statistics only tell half the story. During the Clinton expansion of the 1990s, minority communities made enormous strides in breaking out of poverty, as more African Americans, Asian Americans, and Latinos found good jobs in the prosperous economy.

Since the beginning of this recession, however, these numbers have turned around sharply. More than one in 10 African American workers are now out of a job. American workers of minority heritage have historically worked at the edges of the economy. Because of the jobs they possess, too many of these workers are forced to bear the full brunt of swings in the labor market.

We need to get America back to work. We have to help this President realize that his fiscal and economic policies have not helped America out of the recession, and it is possible that it has been prolonged.

The budget that this President has submitted to Congress is a sweetheart deal for the President's wealthiest supporters. Meanwhile, budgets at all levels of government, Federal, State and local, are swimming in red ink. The President's budget, in effect, hides a $1 trillion tax increase. His budget borrows against the future, leaving us with a $1 trillion bill that Americans will have to pay over the next decade in higher taxes, higher interest rates, and lower growth.

We will only get out of this recession when average Americans get money back into their pockets. I urge the President to rethink his failed economic policies and get America back to work.

NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary, Committee on Agriculture, Committee on Armed Services, Committee on Financial Services, Committee on Energy and Commerce, Committee on Education and the Workforce, Committee on Government Reform, the Committee on International Relations, Committee on Transportation and Infrastructure, Committee on Ways and Means, Committee on Veterans' Affairs, the Permanent Select Committee on Intelligence, and the Select Committee on Homeland Security:

To the Congress of the United States:

I am pleased to transmit the 2003 National Drug Control Strategy, consistent with the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1705).

A critical component of our Strategy is to teach young people how to avoid illegal drugs because of the damage drugs can do to their health and future. Our children must learn early that they have a lifelong responsibility to reject illegal drug use and to stay sober. Our young people who avoid drugs will grow up best able to participate in the promise of America.

Yet far too many Americans already use illegal drugs, and most of those whose drug use has progressed—more than five million Americans—do not even realize they need help. While those who suffer from addiction must help themselves, family, friends, and people with drug experience must do their part to help to heal and to make whole men and women who have been broken by addiction.

We know the drug trade is a business. Drug traffickers are in that business to make money, and this Strategy outlines how we intend to deny them revenue. In short, we intend to make the drug trade unprofitable wherever we can.

Our Strategy is performance-based, and its success will be measured by its results. Those results are our moral obligation to our children. I ask for your continued support in this critical endeavor.

GEORGE W. BUSH.
THE WHITE HOUSE.

WHITE HOUSE DRUG POLICY, THE DEFICIT, AND SUPPORTING THE NOMINATION OF MIGUEL ESTRADA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I certainly appreciate the opportunity to address the House tonight. I wanted to start off by commenting on some of the comments that were made by our colleagues on the Democrat side of the House; but before I do that, I wanted to comment about the message that we just received from the President of the United States.

Mr. Speaker, as you know, the President has listed as one of his priority items this year to have a compassionate, conservative model to end drug addiction. His idea is let us reach out to people who are unfortunately trapped by drug addiction and let us work it through local agencies and local volunteers and local charitable groups, get people off drugs and stop addiction so they can go on to have productive lives.

I think it is just an example of the compassionate conservative side of George Bush, attacking drug abuse on one side, but doing it with a human face and a gentle hand guiding people to get off drugs. I think it is a good program, and I look forward to working with it and seeing more of the proposal.

Mr. Speaker, I also wanted to comment, we heard many Democrats tonight talking about the deficits. I want the Democrats, the Blue Dog Democrats who are the more moderate Democrats in this body, I want them to know that I would like to work with them on reducing the deficit.

I was disappointed last year when the Democrats did not offer a budget. I think that kind of hurt them, hurt their own credibility of leadership, frankly, because I think that when you come to Congress, you have to vote yes, you have to vote no, but you have to participate and you have got to get involved in the process. I do not believe it is right just to be present. You have got to engage.

So I hope this year that the Blue Dog Caucus will offer a deficit-free budget. I know it is very difficult, because we are in a time of war; and I think in a time of war that deficits, unfortunately, are to be expected. That is why what we are trying to do with the Republican budget is make sure that it puts us on the glidepath back into getting out of the red and into the black.

So I am excited to work on a bipartisan basis with the Democrats on this, if they can come up with ideas. That is what we are here for. Put your ideas on the table, and let us do what is best for the American people. It does not matter which party gets credit for it.

Now, having said that, that I want to work with the Democrats on that, I also want to work with the Democrats on something else that is not really before the House per se, but it is before the American people, and that is the nomination of a young potential judge named Miguel Estrada.

Mr. Speaker, it is unfortunate that the Democrats are rejecting the nomination of the first Hispanic on the D.C. court. I think it is unfortunate for the diversity of the court and for racial relations in general; but, more importantly, somehow that they seem to be attacking the American dream.

Here is a young guy that comes to America when he is 17 years old. He is an immigrant from Honduras.

By the time he is 41, he is nominated to be the first Hispanic to sit on the D.C. court. He graduated Phi Beta Kappa from Columbia College and magna cum laude from Harvard Law. By the age of 40 he had argued 15 cases before the Supreme Court and was rated ''well-qualified'' by the American Bar Association.

He has worked at the Department of Justice for both Republicans and Democrats, and he has been called an ''extraordinary legal talent'' and ''genuinely compassionate'' by the Clinton Solicitor General. But he is held up over in the Senate.

I am joined tonight by some colleagues from the great State of Florida, just south of the State of Georgia, the gentlewoman from Florida (Ms. HARRIS), the gentleman from Florida (Mr. MARIO DIAZ-BALART) and the gentleman from Florida (Mr. FEENEY) who is here somewhere, who is the former speaker of the Florida House.

I would be honored to yield to whoever is ready, the gentleman from Florida (Mr. Diaz-Balart) and then the gentlewoman from Florida (Ms. HARRIS). I want to hear your comments on this important nomination.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the distinguished gentleman from Georgia for yielding.

Would it be all right if before I get into the specifics, I tell you a little bit about what it feels like to be a freshman, what I have learned? I have experienced some very interesting things while I have been here in Washington.

Mr. KINGSTON. Mr. Speaker, I am going to reclaim the time to say this to the gentleman from Florida. I am going to be honored to hear what it is like from both of you as a freshman, but I want to underscore for the folks back home that you are experienced legislators. The Secretary of State has been in the limelight many times before, and the gentleman's brother is the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), who is also a Member of Congress, and who reminded us last night that the gentleman's family came to America as immigrants when he was the age of 4.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman. The gentleman is right, I have been in the State legislature for a number of years, and the private sector; and I have to admit I have been kind of caught off guard by some things in the few weeks I have been up here in D.C.

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Some things that kind of hit me kind of in a strange way, I have to admit, maybe it is just because of the Washington phenomenon, is how I hear

things thrown out there that are not based on facts. The gentleman just mentioned some of the qualifications of Miguel Estrada. I do not know of a more qualified individual.

The man, as the gentleman well said, got here when he was 17 years old, worked and studied; he was not a rich man, barely spoke the language, worked and studied and was able to educate himself, was able to graduate from Columbia University with honors, Harvard Law School with honors, worked in the Clinton administration. The people that he worked with have said publicly, in writing, that he is a decent individual, that he is a hard-working individual, that he is a talented individual, and yet I say to the gentleman from Georgia, then I hear some strange accusations coming out there which, frankly, I am not used to.

Because where we served, and coincidentally, the three others of us who happen to be here right now, as the gentleman from Georgia mentioned, are from Florida and the three of us served in the Florida legislature together, and it was a wonderful experience. And we have heated debates there, but we are used to at least basing those debates on facts. Yet, let us kind of analyze some of these ''accusations du jour'' that we have heard about Mr. Miguel Estrada.

We have heard from others in this process, some members of the minority party, that one of the reasons that Mr. Miguel Estrada should not be a judge, because he is not qualified to be a judge, is because he is a Hispanic individual who got here, as I repeat, when he was 17 years old and has lived, really lived, his part of the American dream through hard work, sacrifice, dedication. He was not given anything. He earned it. He earned it. Yet, there are some who have said, well, Mr. Estrada is not Hispanic enough. He is only Hispanic in name.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, I am from Georgia, I am not Hispanic, the gentleman from Florida is Hispanic. What does not being Hispanic enough mean? Does that mean that one's mama was not and one's dad was? The Democrat thinking, how could one not be Hispanic enough? I mean one is either Hispanic or not.

I do not know. I hope the gentleman will tell me, because I would certainly appreciate him clarifying this, because I am a Republican, and Democrats probably can understand this better than me, but maybe the gentleman has some insight for all of us.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I can understand the reason for that very interesting question.

By the way, let me tell the gentleman a little bit about myself. I was born in southern Florida of Cuban parents, so I am Hispanic. I am American, obviously, 100 percent American, of Hispanic descent.

Mr. Estrada was born in Honduras, Central America, came over here, and he was a naturalized American citizen. He came here when he was 17 years old. He was not born an American here like I was; he was naturalized. He did not speak much English until after he got here at the age of 17.

And then there are others, by the way, some of them like me born here; some of them, by the way, who do not speak Spanish fluently who then claim that Mr. Estrada is not Hispanic enough.

I consider myself, and I am very proud of my heritage, but I think it would be ludicrous if I, who was born in the United States, who obviously was born, thank God, was born in the United States, thank God was born an American, was born into freedom, was born in the land of opportunity, I think it would be ludicrous and frankly maybe a bit offensive if I were to say to the gentleman from Georgia, to somebody that the gentleman and I know who was not born in the United States, who got here when he was 17, who is a Hispanic, whose mother, by the way, got here carrying a 3-year-old child when she came to this country, I think it would be frankly offensive.

I think, sir, that the gentleman would be offended if I said that about somebody, that that person is not Hispanic enough. Who am I to say that a man who got here when he was 17 years old, barely speaking English, from Honduras is not Hispanic enough. That is irresponsible. That is offensive to me, sir.

But it is just not only that. Here is a person who got here at 17, has lived his part of the American dream, and I do not think anybody can argue that he has been a successful lawyer, who again worked even in the Clinton administration, and the people that worked with him, his bosses, his co-workers have said in writing that he is extremely qualified and he is fair.

But then some of these other people that are accusing Mr. Estrada with some ridiculous, baseless accusations like the one that I just mentioned. To me, that one is more than ridiculous; it is offensive. It is offensive, by the way, to all of us of Hispanic heritage, but it is offensive and should be offensive to everybody who believes in equality and the American dream, and that anybody here, anybody here who works and sacrifices and loves this country can be an American, and we should not be judging them if they are too Hispanic or not Hispanic enough.

Again, I think that is offensive.

Mr. KINGSTON. If the gentleman will yield, as I understand it, that seems to be his biggest crime, because he is well qualified. But there seems to be this racial litmus test that the Democrats are putting on him.

I wanted to invite the gentlewoman from Florida (Ms. HARRIS) or the gentleman from Florida (Mr. FEENEY) to jump in. The floor is open.

Ms. HARRIS. Mr. Speaker, I rise today to salute the embodiment of an American dream.

Born and raised in Honduras, Miguel Estrada arrived in the United States at age 17 as an immigrant who knew little English, but who understood the essence of America. Five years later, as a result of his unparalleled drive, perseverance and vision, he earned a Bachelor's Degree magna cum laude and Phi Beta Kappa from Columbia College in New York City.

Within the following 5 years, he had graduated magna cum laude again from Harvard Law School, where he had served as editor of the Harvard Law Review and had become a clerk for the Supreme Court of the United States. He became an eminent practicing attorney who had argued 15 cases before the Supreme Court of the United States before he was age 40.

He served both in the Republican and Democratic Justice Departments, demonstrating a matchless strength of character and an incomparable depth of professional integrity. Ron Kind, who served as chief of staff to Vice President Gore and the Solicitor General for President Clinton, described Miguel Estrada as ''An extraordinary legal talent and genuinely compassionate.''

On May 9, 2001, President Bush nominated Miguel Estrada to serve in the United States Court of Appeals for the District of Columbia circuit. He would become the first Hispanic in history to serve on that court, which is widely recognized as the second highest court in the land. The American Bar Association unanimously awarded its highest rating to Miguel Estrada, deeming him well qualified to serve in this capacity.

Mr. Speaker, the Senate has not acted on this outstanding opportunity Mr. Estrada's nomination presents to our Nation. As a judge on the U.S. District Court for the D.C. circuit, his story would inspire Americans of all backgrounds, while his legal acumen would provide our system of justice with an eminently talented defender and advocate.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I want to congratulate the gentleman from Georgia for joining the Florida delegation this evening, and I want to thank him for his wonderful dialogue last night with my colleague from Florida. I am glad to be here with two great friends and colleagues from the Sunshine State.

I want to tell my colleagues that one of the reasons that my colleague here tonight from south Florida is so passionate about this issue is that his family shares something that apparently Mr. Estrada is now going through, and that is suffering because of their political philosophy. This is not just persecution of a man by denying him access to the door of the Federal bench because of his ethnic background or because he has assimilated into the American dream too quickly.

But there also is a component here, as we know, that has a philosophical

component. There is a litmus test not just on how Hispanic one is that is being set up by the critics of Miguel Estrada, this incredible leader and a great American, but there is an also a litmus test that is based on a certain philosophy that they are terrified will be lived from the bench, and that is that there are some that would like to see the bench turned into a completely activist judiciary, full of biases where unelected judges would become a super legislature. They would rewrite the Constitution. They would ignore the laws passed by Congress or ignore those that they did not like.

For example, if we look at the First Amendment alone, there is an establishment clause that basically is very clear. It says that ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.'' Because of that, we have liberal activists saying that judges should impose, because they know full well elected members in our great democracy that would never impose a provision that would say you cannot recite the Pledge of Allegiance, words like ''one Nation under God.'' This is a liberal activist judiciary. And the real goal here, if I can tell my colleagues and the Speaker, is that we want to have a litmus test, according to the critics of Miguel Estrada, so that unless you are prepared to substitute your political bias and your judgment for that of the elected representatives of the people, then they do not want you on the bench.

And I will hopefully engage in a dialogue with the gentleman from Georgia and with my colleagues from Florida so that we can talk about some of the real, underlying reasons why this is going to become such a huge battle here in the Capitol.

I will finish with this, if I may, and that is that lot of us do not want; we joined a great justice, Antonin Scalia who, in his wonderful book, ''A Matter of Interpretation,'' says, you should not have a judge who is going to have a conservative interpretation of the Constitution or a liberal interpretation or a strict interpretation or a loose interpretation, but a textural interpretation.

In other words, we want judges that will apply the rule of law, that will read the statutes that we as an elected body pass, that will look at the text of the United States Constitution, that will, in their fairness and wisdom and incredible credentials like Miguel Estrada has, will be able to protect the wonderful Constitution that we have.

Unfortunately, there are some critics of Miguel Estrada that do not want an independent judiciary; they want a litmus test by philosophy of judicial liberal activism, and I find that offensive as well.

Mr. KINGSTON. Mr. Speaker, I wanted to get back to the gentleman from Florida (Mr. MARIO DIAZ-BALART), because I wanted to say I was talking to the gentleman's brother last night, and one of the things we discussed is that I was blessed as a child growing up in Athens, Georgia. There were a lot of Cuban families who had to leave Cuba because of Castro, and they came to Athens, Georgia, among other places, but a lot to Athens. Many could not speak English, and they were very similar to families all over Georgia and Florida. Their parents, regardless of what their jobs were in Cuba, they basically lost often their professional licenses. A doctor or a lawyer, they had to step down a notch or two. But their kids assimilated quickly.

Those kids never forgot what freedom was and what it was like to lose it, those families. If anything, I found, particularly among, I would say, those types of immigrants, more patriotism than they afford Americans. They were all Americans, but still they did not forget that lesson of having freedom pulled out from under them.

So, in my opinion, you have somebody who lives in America by choice, like Miguel Estrada; he came here when he was 17, he could have left when he was 21. He could have told his parents, I am not staying here in America. But he left Honduras, he came here.

I never met the man, but I would be willing to bet that he is probably one of the most patriotic, God-fearing, pro-American citizens that we have out there today. That has been my experience with so many of the wonderful immigrants who have made this country what it is today.

I wanted to hear what the gentleman has to say, because it is just amazing that the gentleman's family, two sons who grow up to be United States Congressmen, the gentleman was telling me earlier, one is an investment banker, probably making more money than the ones in Congress, and then the other one is a newscaster, probably reporting to the world what the two in Congress are doing wrong, so you are covered either way. But that is a wonderful American success story and American dream, just like Miguel Estrada.

Mr. Speaker, I think the Democrats are not just attacking Hispanics with this, they are attacking the American dream.

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Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the honorable gentleman from Georgia (Mr. KINGSTON) for those words.

I have had the opportunity to speak to Miguel Estrada, and what you say is just so on target. He is a patriot. He is 100 percent American. He is one who came here by choice, who did not ask for anything other than an opportunity to live in freedom. And he worked hard and he studied hard and he has become one of the most prestigious attorneys in the country.

And a little while ago you were also saying how strange is the distinguishing factor that Miguel Estrada has that he is treated differently for.

My distinguished colleague from Florida mentioned, I think, some of the reasons why he is being treated differently, but I must add a couple facts to this conversation that we are having today. I have mentioned in the beginning how that is something that I have not seen a lot coming from the other side.

I have heard stories. I have heard accusations, but no facts because one of the accusations that I keep hearing is that, well, Miguel Estrada cannot be a judge in this court because he has not been a judge in a different court and, therefore, he is not qualified. But I did a little bit of research, and I found that five of the eight judges on that same court where the President has nominated Miguel Estrada were not judges before. They had no previous judicial experience, with all due respect. If that is what makes you qualified, where was the outrage for the other five judges, or is it only if you are Hispanic do you have to have previous experience as a judge? And if you are, you cannot serve on that court and there is no outrage.

Furthermore, I did a little bit more research, and I found that two current Justices of the Supreme Court were not judges before either, wonderful members that we respects and admire: former Justice Byron White, a respected member of that illustrious body; and the other one by the way is the current Chief Justice of the Supreme Court of the United States. So if the requirement, if what makes you acceptable to be a judge and that you are not acceptable, I should say, if you do not have previous experience, where was the outrage from these individuals who say that Miguel Estrada is not qualified because he did not serve as a judge before when the other five in that same court were nominated and approved and when those Supreme Court Justices were nominated and also approved?

See, there is a double standard. And I do not know if the double standard is because of his idealogy. I can state that his nomination has been sitting there for about 600-plus days. The distinguished members of the other party had ample opportunity to sit down with him to discuss these issues because now they are saying, we should have more hearings. Why is it now? They were in control of the Senate until just a couple months ago. Why did they not have hearings before if they wanted some questions answered? Oh, no, they did not want hearings then because they were just trying to torpedo the nomination of this individual. He is a fine American and a fine human being.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). The Chair must remind Members that remarks in debate may not include characterizations of the Senate or its actions.

Mr. KINGSTON. As tempting as it might be.

Mr. MARIO DIAZ-BALART of Florida. I am a freshman. I apologize for that.

Mr. KINGSTON. Mr. Speaker, I wanted to underscore what the gentleman is saying that Mr. Estrada is on 632 days awaiting action by the other body, and yet it is not happening.

Now a similar nominee about 3 years ago, and I mean exactly similar, a man named Merrick Garland, who was also Phi Beta Kappa, also editor of the Harvard Law Review, also graduated from Harvard Law School magna cum laude, was a clerk of the U.S. Court of Appeals, a law clerk of the U.S. Supreme Court, everything except this guy was 44. Mr. Estrada is 41. Everything else is similar, and it took him 100 days to get through. And Mr. Estrada comes along, seems like the only difference is he is Hispanic, 632 days.

Mr. MARIO DIAZ-BALART of Florida. Again, it begs a difference. You have these incredible double standards. You have the double standards of judges that did not have previous judicial experience, were nominated and approved for the same court that Mr. Estrada was nominated before. They were not judges before, and yet now there are some people saying that that is what disqualifies Mr. Estrada.

You have certain people saying that Mr. Estrada, who, I repeat, was born in Honduras who came here at age 17, barely speaking English, worked hard, studied hard, became a model American and a wonderful attorney, even worked in the Clinton administration and actually for more than one President. And now they are saying that, well, this individual is not Hispanic enough. Why this double standard?

You have some people that have said that, for example, that the ABA's rating provided the gold standard, American Bar Association's rating provides, they said, the gold standard for how a judge should be measured, whether one is qualified or not. Well, now those same people are saying that Mr. Estrada is not qualified even though Mr. Estrada got the highest possible rating from the ABA unanimously. So why the double standard? Why is this individual being treated differently than others just like him with the same or less qualifications, with the same or less merits? Why is he being treated differently?

The gentleman mentioned the case a little while ago of a very similar case where he went right through the process. Nobody asked him any questions, and if you look at those questions that were asked, they were pretty amazing they were asked. They were total softballs. And yet Mr. Estrada, who nobody has been able to say anything negative about his record, about his integrity, about how he has lived his life, how he has really lived a piece of this American Dream. And for these accusations that come out of left field, ridiculous, unfounded, kind of really almost funny accusations to come out against this fine human being, this wonderful gentleman who has done nothing but work hard, study hard, work hard, live the American Dream, has given of himself because he has worked with two different Presidential administration, for false accusations, for baseless accusations, for double standards to be used against him, so that he does not become the first Hispanic on that court, it is frankly very sad.

Mr. KINGSTON. It is an outrage.

Mr. FEENEY. It is not just the fact that Miguel Estrada, if the critics have their way, will be denied the opportunity to be the first Hispanic ever to serve on that great court but it is the way it is happening.

There have been several committee hearings. Normally judges at this level receive at most one or two committee hearings. They have had many more than that. But with respect to the problem and the issues they have had, they have been unable to identify any sin that this man is guilty of, either philosophically, with respect to his integrity, his background, his impeccable qualifications. And so what they have engaged in, the critics of this great man, is a whispering campaign. And they are trying, not to vote down the nominee, what they are suggesting, these critics, is that we will not have a vote at all. And after all, if the real reason you are sabotaging the opportunity for Miguel Estrada to go to the bench is not something you will admit in public, then do not have a vote. If it is something that you are willing to stand up with honor and respect in debate in a free forum in front of the entire world, then go into debate and have that vote. That is the democratic process.

But to use a procedural mechanism to deny the opportunity of a great man to get a fair vote up or down, my great colleague from Florida suggested that this incredible, a man has a 15-to-nothing highly qualified vote from the American Bar Association, but on top of that the American Bar Association says this: ''Vote them up or down. But do not hang them out to dry.''

The people that want to hang Miguel Estrada out to dry are afraid to explain to the American people in a public vote why they oppose the nomination.

Now, whether it is for, as some of us suspect, that terror that a great Hispanic leader that loves the Constitution and a textual defense of the Constitution may not be the liberal activist they want or whether it is some other political reason, that this would be a great opportunity to show the American people that folks from all different backgrounds, diversity, ethnicity, religions and philosophies can be great jurists, I do not know exactly what their real motives are and we will never know until we have a fair vote under the democratic process that all of us can all judge up or down.

ANNOUNCEMENT OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members to refrain from remarks that characterize actions of the Senate.

Mr. KINGSTON. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 35 minutes.

Mr. MARIO DIAZ-BALART of Florida. The honorable gentleman from Georgia, if I may, I want to make sure everybody understands something very important, as I think most people know. With a name like Diaz-Balart, yes, I am of Hispanic heritage. It is something I am very proud of. And with a name like that, I cannot hide nor do I want to. But I am not here to support Miguel Estrada because he is a Hispanic. Absolutely not. I think it would be a sad day if we were here pushing for people based on their race or their religion or their ethnicity.

I am here to support Miguel Estrada because of his qualifications, because he is highly qualified. The honorable gentleman from Florida just mentioned that the bar association, what they said and how they qualified him as the highest qualifications that a lawyer can have, unanimously again, that is why he should be a judge. Because he has worked in the Solicitor General's office and he has been in front of the Supreme Court of the United States 15 times, I believe, has been fighting in cases in front of the Supreme Court in front of the United States, something that many lawyers do not do once in a lifetime. He has done it, I believe, approximately 15 times. Because his academic credentials are unbelievable, unbelievable, I know that a lot of the critics that he has cannot compare his experience in front of the Supreme Court, his academic credentials with theirs, his success as a lawyer with theirs.

I am supporting Miguel Estrada because of his qualifications. But what I have to admit, sir, is hard for me to swallow. Just like I am not supporting him because he is a Hispanic, I am supporting him because he is so highly qualified as everybody has said, including, by the way, people like Seth Waxman, the former Solicitor General to President Clinton who has said, ''He was a model of professionalism and competence.'' Like Ronald Klain, the former counselor to Vice President Al Gore, a familiar face to the gentleman from Florida (Mr. FEENEY) and I in the State of Florida, as we well recall, not one who can be accused of being a right winger by any stretch of the imagination. He said, ''Miguel will rule justly towards all.''

The former Assistant General for the Office of Legal Counsel for President Clinton, Mr. Randolph Moss said, ''A very principled guy, very honest and ethical.''

That is why I am here supporting Miguel Estrada. That is why the President of the United States nominated him for this important position. But I have to tell you something. Just like he should not be supported, endorsed or get that position because he is Hispanic, he should not be denied that position simply because he is Hispanic. And that I think is highly offensive.

Mr. KINGSTON. And that, I believe, that is why House Members are speaking out on something that really does not come before the House. But we see it as the Democrats are after this guy, apparently because he is Hispanic, apparently because they do not like his views as an American, apparently because he challenges their concept of the American Dream.

In the welfare state mentality you do not want people to climb the ladder. In the welfare state, the big-government approach is keep people down, keep them low. You do not want them upwardly mobile, and then they will depend on the government. They will depend on our largesse. But that is the pattern he has broken. He has shown in America that you can make it in America. It is a great country. In America you can be proud and free and independent. I think that challenges so many of the liberals in this town; and they do not like him, particularly because he is Hispanic. And I think that is just a sad situation.

Mr. FEENEY. I thank the gentleman from Georgia (Mr. KINGSTON). I think that is especially true, that this man is a great role model.

As we have been discussing here tonight, Miguel Estrada was not born in America, much like Secretary Mel Martinez of Housing and Urban Development who comes from my community. We are so proud of our home son here in the Cabinet.

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This is a wonderful man who was not born on American soil, but I can tell my colleagues Mel Martinez defines what it is to be part of the American spirit and to be a success story. Much like Secretary Powell, who was not born specifically on the continental mainland of the United States, but now is a model for all of us, not just in the military, but his leadership internationally.

Now here is an opportunity for a young Hispanic man at the age of 17 to come live the American dream and be the first Hispanic on this very prestigious court, and some people are terrified that the bottle of success without handouts or welfare or any system of, for example, racial quotas, this man can have a huge success and a wonderful career because of his own merits and his deep belief in the United States system and our government.

One thing, if I may, I want to talk about not just the litmus test that we mentioned earlier of whether Miguel Estrada is Hispanic enough, because we do not understand what that means, but I want to talk about the fact that the litmus test is based on a certain nominee's judicial philosophy.

I would suggest to my colleagues that everybody I know supports the notion of judicial independence. The problem is, some of the critics of Miguel Estrada support the notion of judicial independence meaning the judges should be independent by the written words in the statutes and the Constitution and they should be free to essentially make it up as they go along.

Others of us believe deeply that judicial independence is critical, that we not have an over-excessive interference from one branch to the other. I do not believe the executive, for example, ought to be able to fire justices when they do not agree with them. The Constitution prohibits that. I do not believe that the Congress, if we were mad at a particular judge or a bench, should be able to reduce their salaries to punish them, and our Constitution prohibits that.

The Founding Fathers thought deeply about the judicial independence from other branches, but they also believed deeply that the judges should never be independent from the laws and the Constitution as written, and I want to quote Thomas Jefferson in a letter to Thomas Ritchie, ''A judiciary independent of a king or executive alone is a good thing, but independence of the will of the Nation is a solecism, at least in a republican government.''

The bottom line here is that I believe that many of the opponents of Miguel Estrada are terrified of this man because he believes deeply that the Founding Fathers wrote what they meant and meant what they wrote. And I will share one more example of a judiciary. I am still with the First Amendment. We will go through all of the amendments, if my colleagues like, in terms of judicial excessiveness and lack of willingness to stick to the text, but I already started with one portion of the First Amendment, and I want to go to another, the freedom of speech clause.

Liberal activists have argued, for example, that freedom of speech protects Nazis that want to march through Skokie, Illinois, a place that had many victims of the Holocaust reside there, and yet the freedom of speech provision prohibits and the First Amendment prohibits school children from singing Silent Night as part of a Christmas choir play. I think that sort of overreaching is the kind of liberal activism that the opponents of Miguel Estrada are insisting on as their litmus test before they will support his or any other nomination.

Mr. KINGSTON. Well, I agree with the gentleman. The last thing we need is more whacked-out judges from California, no offense to the good judges there, but they seem to certainly have their quota of people who say we cannot pledge allegiance under God, and it is really not, let us keep public buildings religious-neutral.

What they want is religious free zones, and yet here we in Congress, this very day as we will tomorrow, as we did yesterday, we started out with a prayer. I am standing beneath the sign that says In God We Trust. Our money says, In God We Trust, and yet these same judges would have all that purged from the land because it is apparently harming somebody somewhere somehow.

Mr. FEENEY. If my colleague will yield on that point, I just said that the people that are criticizing Miguel Estrada, when they do not even want to have a vote, they want to suggest we ought to have these weird interpretations of the establishment clause, and yet the very people that enacted this Constitution, in my hometown where I was born, in Philadelphia, thanks to Ben Franklin, a great Philadelphian, who said this at the Constitutional Convention when he suggested that they ought to begin every day, as they put together the most wonderful document that ever defined the relationship between free individuals and their government, here is what he said as they suggested that they start with prayer.

He said, How can it be, basically referring to Matthew, that a sparrow cannot fall to the earth without God's watchful eye, and yet we can create this document without his watchful assistance? I am paraphrasing Mr. Franklin because, of course, we do not have the specific records from that convention.

But the bottom line is that the people who put our Constitution together do not want us here today, as they lie above us in heaven for their great deeds, they do not want us to allow the legislative branch to hijack the judicial branch and impose a litmus test that judges have to ignore, the written words of either statutes or the Constitution.

We are doing our constitutional duty by speaking out, and I thank the gentleman for the opportunity to be here.

Mr. KINGSTON. Well, I thank the gentleman and Mr. DIAZ-BALART.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I do want to just leave one thought here tonight, which is a sad thought because the facts speak for themselves.

We are seeing what is going on with the nomination of Miguel Estrada and the false accusations, baseless accusations, almost funny accusations, that have been leveled against him. But what is really sad to me is that while our friends, the partisans on the Democratic side, claim to advocate for diversity, they fight to block the nomination of a well-qualified Hispanic. While our friends, our partisan Democrats, take credit all the time for helping the advancement of minorities to high positions in government, they block the first Hispanic, I repeat, the first Hispanic on the Nation's second highest court.

It is important to note, though, that a filibuster, a parliamentary process to avoid the votes against Miguel Estrada is not only the rejection of a highly qualified Hispanic, it is a rejection of diversity. It is a very sad day, very sad day, for our country if this stands. I am optimistic that it will not. I am hopeful that they will dig deep in their souls and realize what they are doing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEARCE). Members should avoid any improper references to Senate proceedings.

Mr. KINGSTON. Mr. Speaker, let me give this quote from a member of the other body. ''The country is at Orange Alert. People are stockpiling water and duct tape.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman must refrain from that quotation.

Mr. KINGSTON. Mr. Speaker, I can quote somebody without attributing it to it, I thought. Point of clarification, excuse me.

The SPEAKER pro tempore. The gentleman may not quote the Senator by name or otherwise.

Mr. KINGSTON. Thank you, Mr. Speaker, and I will stand admonished.

Think about this. The country is at Orange Alert. People are very concerned about what is going on in Washington, D.C. In the district that I represent, we have 18,000 soldiers who are already in Kuwait in the Middle East. We have thousands of wives and children and family left behind. We have an economy where the interest rates are not seeming to get the thing going. We have got a budget that is going to be in deficit.

We have got problems, and yet there are those in the other body that want to filibuster somebody who has graduated from Harvard magna cum laude, who was rated by the American Bar Association as highly qualified, and that is the priority during an Orange Alert, wartime, of a bad economy?

I agree with the gentleman from Florida (Mr. MARIO DIAZ-BALART), it is a sad day, but I am hoping that we can get this thing turned around, and I am hoping that people like the gentleman speaking out is going to make a difference.

I wanted to, if the gentlemen have time, make a comment on a piece of legislation we are going to be passing tomorrow in the House, and I think it is very important, and I want their comments because when the gentlemen were elected as freshmen in December, we were all up here meeting them and one of their members said to me, I think it was the gentleman from Arizona (Mr. FRANKS), he said, Tell me, you have been in Congress 10 years, what do you think the most important thing that you have done is, what is the most significant piece of legislation?

It is a hard question. There are a lot of things that have gone on that I voted for and I voted against and debated on and had the privilege to debate on, and yet I said, probably welfare reform is the most significant, the one that has affected the most lives in a very positive sense.

In 1994, when so many of us got to Congress, there were 14 million people on welfare; in 2001, 5 million. That is 5 million too many, and yet the reality is, 9 million less people are on welfare. It appears to be significant, the principles in our welfare reform package which we will be voting on tomorrow, promoting work, improving child well-being, promoting healthy marriages and strengthening families, fostering hope and opportunity. Those are the principles behind welfare reform which we have stuck to, and I think it is very important to keep these in mind.

And, of course, none of this was easy. The Democrat leader, the gentlewoman from California (Ms. PELOSI), in 1995 said, I hope children throughout this country never have to feel the pain of this legislation. I hope it does not pass, and indeed, she and so many others of the liberal welfare supporting establishment, the status quo supporters, they fought against the legislation, and yet here is a real case.

Tanya, a single mother, went on public assistance when her twin girls were a year old, but since completing her program with CalWORKS, which is a job training program, she completed it last year, Tanya has been able to earn enough money to purchase her own home. Here is Tanya and here are her two girls. I wonder if that is who the distinguished Democrat leader was referring to, because they do not look like they are miserable or in pain or unhappy. In fact, they are probably very proud to have their own home.

I know the gentlemen, as members of the Florida legislature, were involved in this, and they saw many successes from welfare reform on the State level.

Mr. FEENEY. The gentleman from Georgia is so right. This is one of the greatest success stories of my legislative career. I am sure my colleague from south Florida will tell the gentleman the same thing.

Because of what the Congress did, we in the State of Florida were able to enact reforms that actually took some 780,000 Floridians off the welfare rolls, off of complete dependence on government and basically created opportunities and freedom and work and jobs for them. And we now are down to less than 150,000, almost a 75 percent reduction. We are so terribly proud of that.

As the gentleman knows, the old system of welfare was set up by compassionate people, by people with big hearts, but what they really did not realize is what the effect of the system that they built actually had on individual decision-making. Because as the gentleman from Georgia knows, poor people are not dumb. They respond to the same incentives as the rest of us.

If we look at the old welfare state in America, what it told, particularly and primarily young women with children, what it told them was this, look at it like a contract lawyer would look at it. It said, we will give you free gifts from government. We will give you AFDC checks, housing assistance, food stamps. We will give you health care for your children, some 72 other entitlement programs that you may be eligible for. But in order to get these free gifts for taxpayers, you have got to promise us a couple of simple things.

Number one, promise that you will not get married to anybody who is working because if you do, we will take all of your health care for your children away; we will take your AFDC checks, your food stamps. All these other benefits will disappear.

Number two, you have to promise us that you will not go to work yourself, because if you go to work, we will take away your health care benefits for your children; we will take away your food stamps, your AFDC checks, your housing assistance.

The third thing that this contract wants you to know is that if you have additional children while you are stuck in the system, we will give you bonuses.

Poor people are not dumb, my colleague knows that. They responded to the incentives we set up.

So we took advantage of the opportunities provided by the great leadership here in the Capitol, allowing the States, under the 10th amendment and principles of Federalism, to try to solve our welfare mess, and what we have done is this. We have gone from 750,000 Floridians stuck on this horrible system of perverse incentives that got them into a trap that they just could not crawl out of, and we have gotten them into free opportunities.

Let me tell my colleagues who the beneficiaries are of this, if I may as I close, on how grateful I am that you gave Florida the opportunity while I was there and while my colleague from south Florida was there.

Taxpayers are huge beneficiaries because they do not have to support people that are out there successfully working in their environment. Families are beneficiaries because many men actually are no longer the enemy of people that need help. We have designed a system that can reunite the mom and dad. That is great for the entire family. It is especially great for the mom and the dad that can spend time together and the children that can have the benefits of a two-parent family, which we know is so important.

□ 1945

Third is the huge benefits to single moms, who now get up at a certain time, get cleaned up, get showered, get off to a job where they are contributing members of society and taxpayers. They do not have to feel like they are enslaved by a system they cannot get out of. Those are all beneficiaries.

But the most important benefits I would suggest we have not even seen yet. Because we have a whole generation of young children in Florida and throughout the country that are growing up not watching their role model or their main parent watching TV all day or engaging in some more pernicious behavior, such as drugs, prostitution or black-marketing. They are watching the people that are raising them get into the work system, be part of the

American Dream, pay taxes, and be contributing members of society. I believe that there is a long-term dividend in the psychology and the culture of young children thanks to what we accomplished on welfare reform.

I am so honored to be here now as we work hard to reenact this liberating bill, and I thank the gentleman for his leadership.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for his comments, and I now yield to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, one of the things that my dear friend and colleague, the honorable gentleman from Florida, central Florida, and, if I may add, a wonderful part of the State, that is a free plug while I can, stated something that is very true. The poor who are stuck in this cycle of dependence to this horrendous system that we had before, the old welfare system, did not want to be that way. We have to be very clear about this. Poor people that were on welfare did not want to be dependent on government.

Unlike what some would like to believe, that these are people that did not want to work, that were just there because that was their choice, that was their number one choice, no, these are good people. These were people that wanted to work, but all they needed was an opportunity; and yet they were stuck in this system that forced them to stay in that system. They could not save money to buy a piece of property because they would lose their benefits. So, therefore, they had to stay in the system. That is the cruelty of this sad joke that was the old welfare system. And the people that really hurt, yes, the taxpayers had to pay a lot of money for this broken system, but the people that were really hurt were those that were forced into the cycle of dependence, dependence on government.

So now, where are those people? Where are they? Millions of them, millions of Americans, are now working. They are earning a living in the free marketplace. It is not easy; it is tough. Hey, life is difficult. They have got to work hard. We know that. But they are working hard, and they are proud of it. They are paying taxes and they are leading by example. So, yes, this is wonderful for the taxpayers, but let me just say that it was even more wonderful for those millions of Americans that were finally allowed to break out of this vicious cycle of dependence and of poverty. That is the untold story, I think, in this wonderful experiment that was called welfare reform, that I think worked better than any of us ever suspected.

We knew that the system was broken. In Florida, we knew that the old system was broken. I did not expect the results to be so dramatic, so unbelievably dramatic. Imagine if in the rest of government we could get increased performance by 75 percent, or close to 75 percent, as we did in Florida of people getting off welfare and getting to work. That would be a miracle in government. We would all be ecstatic. That happened in welfare reform. And the true recipients of this wonderful experiment, the ones that broke out of the cycle of poverty, are those poor people, poor decent Americans that for a generation were told that they would always be there.

My colleagues may well recall the naysayers. The gentleman just pointed out a couple of those naysayers, saying this is going to destroy the country; that it was going to destroy the poor people. No, it helped more than anybody else those poor people who are now working, earning a living, and are a part of the American Dream. It helped the taxpayers by giving them a little bit of relief, and it was a wonderful thing for the country.

And as my colleague, the gentleman from Florida (Mr. FEENEY), just said a little while ago, I am so proud first to have been a part of it in Florida when the United States Congress and the leadership of the United States Congress gave our State the opportunity to participate and break the dependence on government and that cycle of poverty for millions of people, hundreds of thousands of people in the State of Florida. I am also so proud to now be here; and, hopefully, we will be a small part in making sure that this wonderful reform moves forward so that we can continue to help those that are truly needy; those that really need the help; and, yes, also create a system that breaks that cycle of dependency and of poverty.

Mr. KINGSTON. Well, Mr. Speaker, the gentleman spoke of naysayers. Here is what the gentleman from New York (Mr. RANGEL) said, who is the ranking member on the Committee on Ways and Means, a distinguished man, but clearly wrong on this: ''The only losers we have now are the kids.''

And yet here is another face of poverty, another success story: Mr. Bruce Mullins lost his home and entered the Welfare to Work program in September 1998. He now has a life of joy and promise for himself and his two children. Here is a picture of Mr. Mullins and his kids, and they do not look like losers. They look very happy.

The gentleman from New York (Mr. NADLER), a friend of mine, as they all are, but friends can be wrong, in 1996 said, ''I am saddened that today it seems clear that this House will abdicate its moral duty and knowingly vote to let children go hungry in America.'' Pretty harsh words. Pretty wild predictions.

Mr. FEENEY. Mr. Speaker, if the gentleman will yield for just a second. Sadly, the truth of the matter is we have been told by our Surgeon General and other experts that the biggest problem children have in America today is not hunger but obesity. After 6 or 7 years of welfare reform, we need to get back to exercising, working out, and into good nutrition. But certainly hunger is not the major problem we have with today's youth after 6 years of welfare reform.

Mr. KINGSTON. Mr. Speaker, here are some interesting statistics: 3.6 million fewer Americans live in poverty today than they did in 1996; 2.7 million fewer children live in poverty today than in 1996, including 1 million African American children. These are statistics, incidentally, by the U.S. Census Bureau, not by the Republican Party or the committees in charge; but these are stats that I think people in the honest spirit of debate need to talk about.

I think it is good to have criticism and opposition on legislation, because I would think that it makes the legislation better. We should bring our ideas to Washington. Both of my colleagues are from Florida and have served in the State legislature together, but one is from south Florida and the other from central Florida. When I served in Georgia, I was from south Georgia, or coastal Georgia, which I still am, but when we come up here we are taking on a bigger role. We bring our ideas, be it from south or central Florida or coastal Georgia, we bring them up here and, if they are so good, doggone it, we ought to be able to get 218 people to agree with us. And if they are not founded in substance and fact, probably we are not going to get that to happen.

So I think criticism is good, but I think it has to be founded on facts; and that is one of the things we do not have around here.

Mr. Speaker, we are running short on time, but I know we have a few minutes, and certainly if the gentleman from Florida (Mr. MARIO DIAZ-BALART) wanted to add a few comments.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I just wanted to thank my dear friend, the honorable gentleman from Georgia, for this opportunity.

I do want to end just again reminding all my friends and all our friends in this august Chamber and also the Chamber next door that we have a historic opportunity, a historic opportunity to pass welfare reform in order to continue the gains that we have made in the past. We also have a historic opportunity to do something that has never happened, which is to have the first Hispanic in the D.C. Court of Appeals. It would be a wonderful thing for all Hispanics, but more importantly it would be a wonderful thing for the entire country, a beautiful sign that diversity is acceptable and accepted.

Mr. KINGSTON. Mr. Speaker, I thank both gentlemen from Florida, and I appreciate their time this evening.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CUMMINGS. Mr. Speaker, I rise today in my role as Chair of the Congressional Black Caucus for the 108th Congress to talk about Black History Month and the state of our union for Americans of color.

Throughout the month, we should all take a moment to remember the heroes whose legacies of service have shaped this great country, America.

We should remember Rosa Parks, a leading force behind the 1955 Montgomery bus boycott. Activist Fannie Lou Hamer, the daughter of sharecroppers who fought for African American suffrage in Mississippi. Dr. Charles Drew, whose blood plasma research has saved millions of lives. Their bravery and sacrifice must not be forgotten.

While we celebrate the past, we also should honor the African American women and men who are making a difference today. We should thank Marion Wright Edelman for her tireless work on behalf of America's children. We should salute the nearly 300,000 African American men and women who proudly serve in our military. We should express our gratitude to the hundreds of thousands of African American police officers, firefighters, and first responders who dedicate their lives to serving and protecting us. Their constant acts of sacrifice serve as a model for all of us.

During Black History Month, the Congressional Black Caucus embraces this year's theme as determined by the Association for the Study of African American Life, whose theme is: The Souls of Black Folk: Centennial Reflections. We encourage all Americans to commemorate our shared past and work together toward creating a more just and fair society.

Mr. Speaker, tonight, I, along with my colleagues, want to take this time to reflect on the state of our union and focus on the issues that are central to the lives of most Americans; issues like education of our children, access to health care, for any who might need it, prescription drug coverage for our seniors, civil rights protections for all Americans, economic security and national security.

During the 108th Congress, we will face many challenges. We will face the challenges of securing our homeland, getting our economy going again, putting people back to work, closing the education and health care gaps that exist in our communities, providing prescription drug coverage for our seniors, and thwarting those who want to roll back civil rights protections.

Mr. Speaker, it gives me great honor and it is a privilege to yield to the gentleman from North Carolina (Mr. BALLANCE).

Mr. BALLANCE. Mr. Speaker, I thank the gentleman for yielding to me, our distinguished Chair of the CBC. I am honored and, indeed, I am right proud that in the middle of a month that has been set aside as Black History Month to stand in the well of the House of Representatives of the United States of America representing 619,000 citizens of rural, poor, eastern North Carolina, known as the first congressional district.

I am honored to be here as a freshman member of the 108th Congress. It is amazing that princes and kings and clowns that caper in sawdust rings, and ordinary people like a young boy who grew up on a tenant farm in Bertie County under civil rights, the 13th and 14th amendments to the United States Constitution, the Voting Rights Act, the Civil Rights Act, all of the great decisions of the United States Supreme Court guaranteeing that we hold these truths to be self-evident; that all men, including Africans in America, are created equal and that they are endowed by their creator with certain unalienable rights, among them life, liberty and the pursuit of happiness.

□ 2000

And I want to say that as we have struggled to gain equal rights and civil rights and to celebrate those rights and to build on those rights and to have the opportunities to work, to earn our living, to pay our taxes, to build institutions, to build businesses, to send our children to college, yes, to historically black universities founded by people fresh out of slavery, and even to those universities that at times in the past have denied our entry.

Is it not amazing, as we stand here tonight, there are great debates going on in these halls of this prestigious institution known as the United States Congress, and I am told that the debate that was going on a minute ago about issues of welfare reform that this majority and this Congress, this Republican majority, Mr. Speaker, is going to use brute power and minutia rules to deny freshman Members like me my civil rights and to deny my constituents their rights, their constitutional rights, to have an opportunity to debate those issues involved in the welfare rights reform bill.

That is to say, in this great, and I will call it the ''great depression'' that we are going into, where we are losing jobs all over this country because the party in power wants to give a tax cut to some rich Americans, and therefore we have no jobs. And now we have a bill that is going to say that people who cannot get a job have to work even longer hours or they will be thrown off the welfare rolls whether they deserve this assistance or not. Would it not be one of my civil rights?

And I know it is my constitutional right as a Member of this body to have an opportunity to debate that issue, to debate whether or not we are going to have funds to provide child care adequate so that those parents who are threatened to be thrown off welfare will indeed have an opportunity to go to work or to go to school.

Yes, in the midst of this Black History Month, we celebrate the birthday of Abraham Lincoln, the author of the Emancipation Proclamation. President Lincoln, a member of the Republican Party, a party that supported civil rights at one time, a party that supported the enfranchisement of African Americans and former slaves. Yet as we stand here today, the leader of that former great party and the President of our country has come out foursquare against the concept of affirmative action; and therefore I will contend that he is against Black History Month.

Why do I say that? What is Black History Month if it is not affirmative action? There was a time when those who wrote history left out of the pages of history about people of color, and so Carter G. Woodson came along, and as he read the history books, as he read the tabloids, he did not see anybody in the books that looked like him, and he saw none of the great works that Africans were doing in America. And so he started what became Black History Week, affirmative action, and then it became Black History Month, affirmative action.

And now we have an opportunity under a plan that has been approved by the United States Supreme Court to say that race can be one factor in deciding admissions to the University of Michigan, and we find that the President is opposed.

I am going to close by saying it is a long journey from Africa to America. It is a long journey from slavery to freedom. It is a long journey from the back of the bus to being the driver and owner of the bus company. But we have made it, and I contend that one reason we did was because of those human rights that were at one time properly enforced, and I hope and I pray that they will be in the future.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman and to say to him that several members of the caucus were moved, I think it was just yesterday, when the gentleman was talking about how at one time he was plowing fields and did not imagine himself in the Congress of the United States of America. And so many members of the Congressional Black Caucus have similar stories, have come through very, very difficult times and are doing everything in our power every day and every hour to make sure our children and our children's children have these same opportunities.

One area that is clearly of great importance to the souls of black folks would be our health care, and we are very honored to have in our Congressional Black Caucus the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), whom I will yield to.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding.

As amazing as it is, the words of the distinguished African American scholar, Dr. W.E.B. Dubois, resound as loudly today as they did when he first wrote them more than 100 years ago. How appropriate and on target are his words as he remarks on the lack of health care for African American at that time and as we compare them to our situation today.

I want to take the liberty, though, of focusing on his treatise on the ''Philadelphia Negro'' because in chapter 10 we see in his description a clear indictment of this Nation's health care system as it existed in the African American experience. One hundred years ago, and shamefully still today it has been bereft of both health and care. In short, while there have been some advances in the last 100 years, on the whole, nothing has changed.

Several recent surveys, for example, clearly show that the general public even today thinks that health status and access to care is equal among all population groups. In this, we echo what Dubois wrote over 100 years ago that ''the fact of high death rates and other signs of neglect of the laws of physical health have not yet been apprehended by the general public,'' he wrote. After a wealth of articles and scientific and lay journals, reports commissioned by this body and with the Congressional Black Caucus and other organizations representing people of color giving voice to the inequities in health at every opportunity, my question is, is anyone listening?

Infant mortality in our community is 2.3 times more than in those of our white counterparts. AIDS affects African American eight times more than it does whites. Death rates from heart disease are 30 percent higher in blacks. Our incidence of diabetes is more than twice as much as in the white population. The black male has the lowest life expectancy of any population group in our country, and in our hemisphere only men in Haiti have a lower life expectancy than those in our Nation's Capital.

The chapter on Negro health also focuses on the lack of reliable or complete statistics, which is still an issue that is very relevant today. Just last week we cosponsored a Hill briefing on the Institute of Medicine's report on public health for the 21st century. In that briefing, the importance of collecting accurate data for minorities and using this data to build research, treatment, and prevention infrastructures was stressed. It is essential if we are ever to close the gaps in health status, as we must, that we collect and analyze important data on race, ethnicity, and other socioeconomic factors that are relevant or cause them.

Dubois also spoke of poor health infrastructure, as he termed it, ''the lack of nearly all measures to prevent the spread of disease.'' This is the state still of our deteriorating health care infrastructure in our community and many rural communities. A chilling thought in days such as these, where we are on high alert for a chemical or biological terrorist attack. If our communities are not prepared to protect our residents and respond to any such attack on their behalf, then no one is prepared and no one can be protected.

We in this caucus recognize, as Dubois did back then, that health does not exist in an unhealthy environment, and our Congressional Black Caucus agenda reflects that. ''Broadly speaking,'' he wrote, ''the Negro, as a class, dwell in the most unhealthful parts of the city'' and have ''a large degree of poverty.'' We still have the lowest income levels, the highest unemployment, and many of us still live near toxic sites.

But the most compelling statement in that chapter in the Philadelphia Negro, which I would ask us all to contemplate as we go through yet another term, another budget process in the face of these glaring disparities in health is this:

Dr. Dubois wrote: ''The most difficult social problem in the matter of Negro health is the peculiar attitude of the Nation toward the well-being of the race. There have, for instance, been few other cases in the history of civilized people where human suffering has been viewed with such peculiar indifference.''

Given the many deaths caused by the lack of health insurance in this, the last industrialized nation that does not guarantee health care to its residents, given the cuts or level funding of programs designed to address our health care deficiencies, the refusal of the department and this body to target dollars to build capacity in our, the most affected, communities, the movement to remove the words ''minority'' and ''disparity'' from the health lexicon, and the failure to respond adequately to the recommendations of several Institute of Medicine reports on the inequities of health care among people of color and those who speak different languages in this country, I think it is appropriate for us to ask ourselves the question whether this attitude has indeed ever changed in the more than 100 years since those words were written.

Mr. CUMMINGS. I thank the gentlewoman.

Tonight, as we celebrate Black History Month, we look at all aspects of African American history and again reflecting on our theme, the Souls of Black Folks Centennial Reflection, we have the gentleman from Alabama (Mr. DAVIS), one of our new Members, who has been just a tremendous asset to us, and we are anxiously looking forward to continuing to work with him.

Mr. DAVIS of Alabama. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for yielding to me.

I have the distinction of representing the Seventh District of Alabama which, as so many people should know if they do not, is the home of the civil rights movement in this country. It is the battlefield where so many of the battles were fought in the 1960s: The City of Birmingham where 40 years ago this April, children were marshaled in defense of equality in this country, and they were met with literally the teeth of dogs and the bite of fire hoses; Selma, Alabama, where 38 years ago individuals had to march across a bridge under a threat and rumor of sniper fire in order to petition for their right to vote.

Montgomery, Alabama, is no longer in my district, but it is my hometown, and of course it is the city where Dr. King picked up the torch of the civil rights movement in part of the 20th century and gave it so much of its vibrancy and so much of its currency.

What is striking about my district in 2003 is that if Martin Luther King could somehow come back and visit west Alabama and visit the battlegrounds on which he fought, he would see cities and counties that look very much the same as they did four decades ago.

□ 2015

The rate of poverty in four counties in my district hovers around 40 percent, 40 percent in times of economic growth and 40 percent in times of economic decline. It is a constant condition of despair.

We have talked about health care tonight. Eight hospitals in my district have closed their doors in the last 2 years, and suffice it to say that the disproportionate number of people who have been disenfranchised on the health care front in my district have been people of color.

If Dr. King could somehow travel through the streets of Birmingham today, he would find parts of that inner-city that look exactly as they did 40 years ago. He would see young black men, able-bodied, casting about looking for some anchor in their life, looking for some economic anchor in their life.

Too much of my district, which has its urban and rural components, too much of my district looks like America looked in 1963; and that does not say as much as it should say about where this dream stands. Forty years after the fact, 40 years after the battles of 1963, America stands frozen in so many ways.

I had an opportunity to give a speech to a high school class in Selma, Alabama, on Martin Luther King Day. Selma is a racially divided city. It is a city that is 60 percent black, 40 percent white. As I stood in the gymnasium, Mr. Speaker, I looked around the gymnasium as I got to the part in the speech where I talked about Dr. King's legacy of integration, and it struck me all of a sudden that every single student sitting in that gymnasium was black. In a public school, 49 years after Brown v. Board of Education, 38 years after the Selma to Montgomery march, the legacy is a segregated public school system. And with inequality comes disparity in resources; with separateness comes a separateness in resources.

The dream is in an interesting state today, because too much of America is financially unchanged, unchanged in every measure that we could possibly draw on the floor of this House.

People sometimes wonder why we have a Congressional Black Caucus. People sometimes wonder why we have Black History Month. They wonder why there is a need to continue to talk

about these things. And my answer to them is this: as long as we have a country where the conditions of one's life are determined in large measure by the conditions of one's birth, the American Dream is not what it ought to be. As long as we have a country where the lifespan of a black child born today differs dramatically from that of a child of any other race born today in this country, there is a story that still needs to be told.

Some say, including Justice Scalia, that we can get past the problem of race if we stop talking about it. That sounds good, but that is not the world that we live in. The world that we live in is one in which we have to keep talking about these struggles, because so many people have never lived them; but they have also never lived the lessons of that time.

We are the country that we are today; we are the envy of the world because of a very simple promise. The promise of America is that wherever you begin, you have an opportunity to rise. That is the rhetorical reality of our country. Until it becomes the political reality and the economic reality and the social reality, we fall short of the American Dream, and the state of this union is in some disrepair.

So I call on all people of conscience to recognize that America has work to do. I call on all people of conscience to recognize that there are battles that still need to be fought. Because until we smooth out the gaps in this society, until we tear down the walls that continue to divide us, the legacy that we honor and the dream that we honor is incomplete. There is work that needs to be done, and that is the unfinished task of this caucus.

Mr. CUMMINGS. I want to thank the gentleman.

The gentleman mentioned Martin Luther King. Certainly we are very proud of all that Dr. Martin Luther King did. One of the things he said is that a citizen must assert the full measure of his citizenship, and the very things that this Congressional Black Caucus stands for are merely asserting the full measure of our citizenship.

One thing about asserting the full measure of your citizenship, you have to serve, and you have to serve this country, and African Americans have played very significant roles in the military, have played very significant roles in exploration, in space.

I am very pleased now to yield to the distinguished gentleman from the great State of New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I thank the gentleman very much. Let me commend the chairman of the Congressional Black Caucus for the outstanding job that he has done in the short time that he has been in that position. I think that we will reach all kinds of heights with his leadership.

Mr. Speaker, as we commemorate Black History Month this year, there is a sober and anxious mood in our Nation. Our communities are worried about the uncertain state of the economy, the loss of jobs, the growing budget deficit, the budget cuts, which threaten to eliminate vital services for our children, students and for our senior citizens.

We are going to work diligently in the months ahead to address these pressing concerns and to try to prevent the gains that African Americans have made from being reversed.

We have all been touched by the recent tragedy which took the lives of seven astronauts aboard the Space Shuttle *Columbia*. They represented the best of our Nation and our world: courage, diversity, optimism, and the pursuit of scientific knowledge for the betterment of humanity.

Among the crew were a young woman from India who immigrated to the United States of America to follow her dream, and with the *Columbia* mission she became the only Indian woman to travel into space; an Israeli man whom his country loved, the first Israeli astronaut, a symbol of national pride for Israel; and an African American astronaut from New York who was formerly a lieutenant colonel in the Air Force, Michael Anderson.

He was an outstanding student of physics and astronomy who was selected by NASA in 1998 to make his first flight, which was aboard the Space Shuttle *Endeavour*. It traveled 3.6 million miles in space during 138 orbits around this world to reach the Mir Space Station.

In 1998, there is a picture on my wall that I took with Michael Anderson when he came to my Washington office to discuss how he could try to get more African American boys and girls involved in the space program, in physics, in mathematics, and he was talking about promoting more interest in NASA.

In fact, there was another African American astronaut whose name was Robert E. McNair, who was one of the seven crew members killed on the *Challenger* that exploded 73 seconds after its launch on January 28, 1986. On this mission he was supposed to carry out extensive studies on Halley's Comet.

Another African astronaut, Frederick D. Gregory, served as the commander of the Space Shuttle *Discovery*, which also performed important missions for NASA.

The first African American woman to join the space program, Dr. Mae Jemison, traveled aboard the Space Shuttle *Endeavour* on September 12, 1992. Dr. Jemison is a chemical engineer, a scientist, physician and astronaut, who worked as a Peace Corps volunteer, a medical officer in Sierra Leon and Liberia in West Africa.

Looking back in history this month, we pause to remember the men and women who laid the groundwork, often at great personal risk, for the benefit of future generations.

We are reminded that African Americans have achieved greatness in many fields: law, medicine, physics, the military, education, journalism, music, theater and literary arts.

But we must remember outstanding men like Ralph Bunche, the United Nations Undersecretary who became the first African American to receive the Nobel Peace Prize.

We honor the memory of Thurgood Marshall, the first African American to become an Associate Justice of the U.S. Supreme Court with the great May 17, 1954 case that he argued.

While we are speaking of firsts, let us congratulate our colleague, the gentlewoman from Ohio (Mrs. JONES), who made history last month by becoming the first African American woman to earn a seat on the prestigious House Committee on Ways and Means.

We also pause to continue the debt of gratitude we owe to strong women of the past, like Sojourner Truth, the abolitionist and orator who risked her life, and Harriet Tubman, who helped conduct the Underground Railroad.

As a former teacher, I am committed to passing along stories of African American heroes to our children and grandchildren, so that they may dream of achieving great things in their lives.

I am proud of the fact that my brother, William Payne, who serves in the New Jersey State Assembly, authored a bill which was signed into law which the Governor of New Jersey, which establishes the New Jersey Amistad Commission to develop teacher-training programs to promote educational and awareness projects regarding the things that African Americans have done and their descendants, and the African Americans' contribution to the development of this country.

The commission will work to promote a more comprehensive study of African American history by revising the history books of New Jersey and promoting more extensive classroom discussion. The Amistad Commission is named after the enslaved crew of the ship *Amistad*, who organized an uprising in 1939 to gain their freedom. The crew had their case successfully argued before the United States Supreme Court.

As I conclude today, as our Nation awaits and watches the possibility of war which continues to loom, Black History Month is a good time to reflect that many African Americans have given service to our country.

African Americans fought in every major battle of the Revolutionary War: Lexington, Concord, Bunker Hill, Trenton, Long Island, Valley Forge, and Yorktown. Crispus Attucks, an African American, on March 5, 1770, was the first person to give blood at Boston Commons where he was brought down by the British when he protested taxation without representation.

It was a black Minuteman, Peter Salem, at the battle of Bunker Hill, when they said don't fire until you see the whites of their eyes, who brought down Major Pitcairn, who led the British military.

In the Civil War we had many top African Americans. In 1862, the First Kansas Colored Volunteers won one of the first battles at Island Mound, Missouri. There were 168,000 black combat troops in addition to 200,000 members of service units in the War Between the States.

One out of four Union Navy personnel was black. The black calvary, with the Buffalo Soldiers, showed their importance at the Battle of San Juan Hill, where they prevented the Rough Riders, Teddy Roosevelt, from being annihilated at San Juan Hill. It was the Buffalo Soldiers that saved him, but we heard very little about them. As a matter of fact, they had a lower desertion and alcoholism rate than any other calvary people in our history.

Concluding, W.E.B. DuBois in World War I said, in spite of the problems, ''first your country, then your rights,'' and urged African Americans to go to war.

The 369th Regiment from Harlem spent 181 days in the trenches, a half a year, without relief. This is history that no one knows about. And no one ever spent 181 days in the trenches. Yet a person who lived a block from me, Mr. Needham Roberts, along with Private Henry Johnson, captured 30 Germans and held them for weeks, and people still do not know how they were able to keep this large number of Germans at bay.

My Uncle John Garrett was in the invasion of Normandy. When that was over, D-Day, they allowed the white troops to march through the Arch of Triumph; but the black troops were brought up a day later, and they were unable to march through the Arch of Triumph.

President Eisenhower, then general of the Army, wrote a letter to every combatant on D-Day, except African Americans. My uncle did not get a letter. But my Uncle John Garrett, we brought that to the attention of President Clinton, and all of the surviving D-Day African American veterans who we could find, and we worked with the gentleman from New York (Mr. RANGEL) and his Committee on Veterans Affairs that he was working on, we found many African Americans, and President Clinton sent the letter that chief of our Army, Eisenhower, at the time refused, only because they were black.

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Mr. CUMMINGS. Mr. Speaker, one of the things I wanted to emphasize, the gentleman spoke about the astronaut who recently perished, coming to his office and talking about having more young African American boys and girls go into science and math, and that is one of the reasons why we even do this this evening, to remind our children of all of the great things that African Americans have done, so that they can follow on that path and have models to emulate.

Speaking of a model to emulate, I am very pleased to yield to my friend and colleague from the great State of Georgia (Mr. BISHOP), who is going to address and will continue on with some of the things that the gentleman from New Jersey (Mr. PAYNE) was talking about with regard to our contributions, military contributions.

Mr. BISHOP of Georgia. Mr. Speaker, by learning about the good and the bad things that happened in our past, we gain a deeper understanding about how to correct the bad and preserve and strengthen the good. That is why the study of history is important. It tells us about the past and it guides us to a better future, for he who understands his past controls his future.

Black History Month is important for just this reason. I commend the gentleman from Maryland (Mr. CUMMINGS) and the members of the Congressional Black Caucus for arranging tonight's Special Order, and I thank all of our colleagues for their support and for their participation.

At a time when our country is intensely focused on national security, I will talk about some of the many African American contributions to our Nation's safety and well-being. Many have lost their lives in combat. They are part of a long tradition of service and sacrifice. As the gentleman from New Jersey (Mr. PAYNE) pointed out, that goes back to the Revolutionary War when more than 5,000 blacks served on the front lines.

By World War II, with black leaders calling on black citizens to fight fascism abroad and racism at home, more than a fifth of our men and women in uniform were, in fact, African American. Today, more than ever, blacks are at the forefront of defending the Nation, from the lower ranks to the top echelons of military leadership.

One of the trailblazers was Henry O. Flipper, the first black graduate of West Point. Henry Flipper was born in Thomasville in an area of southwest Georgia that I now have the privilege of representing. Although he was born into slavery and had little opportunity to acquire a formal education, his brilliance, his courage, and steadfast forbearance enabled him to secure an appointment to West Point and to graduate with distinction after years of mistreatment and ostracism.

Although he had an exemplary record on the western frontier while serving as the only black among the Army's 2,100 officers, he was unjustly dismissed from the military. Nothing stopped him, however. He went on to have an illustrious career as an engineer, a surveyor, a government official, playing a significant role in the development of the oil industry, the railroads, and the Nation's expansion in those formative years.

At the time of his death in Atlanta in 1940, he was a forgotten man. But in later years, he has been remembered with memorials at West Point, in Thomasville, Georgia, ceremonies at the Pentagon and at the White House as someone who resourcefully and bravely paved the way for others.

Lieutenant Flipper served at the time of the legendary Buffalo Soldiers, the thousands of black cavalrymen who were deployed in the West for some 20 years to protect settlers, escort wagon trains, assist homesteaders in remote areas, even carrying the mail when no one else would, playing an invaluable role in our Nation's growth and development in the late 19th century.

These young men, mostly in their early 20s, came from many States in the aftermath of the Civil War, who endured harsh and often dangerous conditions in the performance of their duty and they were greatly relied upon. There are countless stories, like the time 34 Buffalo Soldiers came to the rescue of a railroad camp which was under attack by a Cheyenne war party during the Indian wars. The soldiers broke through an encirclement of more than 100 warriors and successfully defended the workers, who were all saved. Many were seriously injured, one fatally. But, as always, they did their duty bravely.

Many of the senior military leaders who were still in office when the Tuskegee Airmen were formed in 1941 would have been familiar with the story of the Buffalo Soldiers and their record of service. Certainly the Buffalo Soldiers helped pave the way.

The military was still segregated at the outbreak of World War II, and the all-black fighter group that was activated at the Tuskegee Army Airfield had to deal with racism and prejudice every day. But the commitment of the pilots and the crews and the support personnel never wavered. They steadfastly went about their duties, about their business, and eventually flew scores of combat missions in Italy and other areas of Europe. They fought heroically, though some were lost. They proved to be tremendously effective in bringing down hundreds of enemy planes and providing support for ground troops advancing in Germany.

Today, we express the thanks of a grateful Nation to the soldiers, sailors, and airmen of all races and creeds and ethnic backgrounds whose service and sacrifice have kept us free and kept us strong for more than 2 centuries, and to those on the home front who also fought to make freedom available for all.

Today, we also pay tribute to those thousands of African Americans who are now engaged in protecting our national security here in the homeland and those deployed around the world. God bless you, and may God continue to bless your service to America.

Mr. CUMMINGS. Mr. Speaker, I would just say to the gentleman it was the great theologian Zwingli who said, so often people who make tremendous contributions make them when they are unseen, unnoticed, unappreciated, and unapplauded. And I appreciate the gentleman lifting the names of so many who have given so much to this country.

Eleanor Roosevelt once observed that human rights must begin in small

places close to home. They are the world of the individual person where every man, woman, and child seeks equal justice, equal opportunity, and equal dignity without discrimination. Unless these rights have meaning there, she said, they have little meaning anywhere.

It is my great pleasure to yield to the gentleman from North Carolina (Mr. WATT), who has given his blood, sweat and tears to making sure that the rights of all Americans are protected.

Mr. WATT. Mr. Speaker, it is a great pleasure to join with my colleagues this evening in participating in this Black History Month Special Order. In my neighborhood, we do not only celebrate Black History Month in February; it is a year-round, ongoing celebration.

The thing that always gives me great pleasure when I rise on this floor and participate in this 1 hour of comment with my colleagues is that I am always fascinated that I learn a lot from my colleagues of their experiences and other things that I did not know about the history of the African American people in this country. I am tremendously proud to be a member of the Congressional Black Caucus and this body.

Our celebration of black history is a daily event because we understand that we stand on the shoulders of Martin Luther King and Frederick Douglass and W.E.B. Dubois and Sojourner Truth and Fannie Lou Hamer and Rosa Parks who sat down so that we could stand up, and those four gentlemen from my congressional district in Greensboro, North Carolina, who sat in at the fountain, at the counter there, and started a movement that spread throughout our Nation to guarantee that the fight for justice and equality would continue.

Unfortunately, most of what we have talked about, a lot of what we have talked about today, suggests that many of the inequities, many of the injustices, many of the inequities still continue today. It is on that that I want to focus a little bit because some of our colleagues would have us believe, and our President, I think, would have us believe that the era of addressing these inequities is over, that there is no need to have an affirmative action program anymore.

I have often wondered, if you started a race at one point and you started somebody 100 yards ahead and the other participant in the race 100 yards behind, how long would it take and how fast would they have to run to make up that 100 yards. There is, I am sure, a mathematical formula that could anticipate that. Unfortunately, we cannot run faster, we cannot learn quicker, we cannot make up the economic disparities that exist. We cannot make up the health disparities that my colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) has described, that continue to exist, by running the same pace without some kind of adjustments being made.

We could not make up our position in this Congress of the United States from North Carolina from 1898 until 1992 without an affirmative action that took into account that racism existed and disparities existed and the unwillingness of part of our community to vote for another part of our community.

So I think Martin Luther King and Frederick Douglass and W.E.B. Dubois and Sojourner Truth and all of these people that we pay tribute to during our Black History Month celebration would not want us to dwell necessarily on giving them honor because they were not about honor. They were about justice and equality and running faster and trying to catch up to close that gap. Unfortunately, that gap continues to exist today in education, in economic disparities, in health care.

As part of our obligation as members of this caucus, and as part of our obligation as Members of this Congress, not only members of the Congressional Black Caucus, to assure that what took 200 years or 300 years to create, we do not assume can be wiped out with running faster for 30 or 40 years. It is going to take a long time to make up these disparities, and I applaud my colleagues for continuing to run faster and work harder and to work for equality as all of these people on whose shoulders we stand worked for equality.

We must continue to do the same.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman, and I want to thank him for working so hard on the very issue that you just spoke about.

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I am very pleased, Mr. Speaker, to yield to my distinguished colleague from the great State of California who has made it her mission to address the issue of AIDS in Africa and made it her mission to address many, many concerns of people who have often been left out and unheard, the great lady from the State of California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for that very humbling introduction and for his leadership in putting together this very important Black History Month Special Order, also for his really steady and magnificent leadership of the Congressional Black Caucus.

Mr. Speaker, today we do stand at the crossroads in our battle against the global AIDS pandemic. Now because this is Black History Month, I would like to take a minute and set forth the historical record with regard to this issue and the role of the Congressional Black Caucus in bringing the African and the Caribbean AIDS pandemic to the attention of the United States Congress, the Clinton administration and the Bush administration.

After years of hard work on the part primarily of the Congressional Black Caucus and our friends in the activist and the NGO community, we are finally seeing the issue of AIDS in Africa and the Caribbean in the national spotlight. Now, several years ago my friend, a former colleague we all know and respected, Congressman Ron Dellums, and several American and South African activists developed a very comprehensive plan to combat AIDS in Africa.

Now, we envisioned creating an AIDS Marshall Plan in Africa that would mirror the original Marshall plan that helped our friends and allies in Europe rebuild from the aftermath of World War II. So I have introduced the AIDS Marshall Plan as legislation. Let me just say that each and every member of the Congressional Black Caucus signed on as co-sponsor. I think that is a historical fact that needs to be recorded.

As my colleagues on the Congressional Black Caucus, especially the gentlewoman from California (Ms. WATERS), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from New Jersey (Mr. PAYNE), as the CBC took up the cause in Congress and Ron Dellums forged ahead outside of Congress, the gentleman from Iowa (Mr. LEACH) helped us fashion the AIDS Marshall Plan into the legislative framework for a global trust fund to be housed at the World Bank. Finally in 2000, we began to see some progress as our pushing and prodding gained support for the issue in this House.

In July of 2000, we were successful in adding $42 million to the FY 2001 foreign ops bill for global AIDS spending, which was really a small amount compared to the actual need; but it took a monumental effort on the part of the Congressional Black Caucus, the activist community, and our minority leader, the gentlewoman from California (Ms. PELOSI).

Soon after, thanks to our consistent consultations with President Clinton and other administration officials, we won passage of the Global AIDS and Tuberculosis Relief Act, which was signed into law in the summer of 2000 and which formally committed the United States to seeking the establishment of the global trust fund to fight HIV and AIDS. This was in August of 2000.

The passage of this bill was a major achievement and really I must say a vindication of the very hard work that went into the initial AIDS Marshall Plan put forth by Congressman Ron Dellums.

Now in the last Congress, we made great strides towards the passage of other comprehensive global AIDS bills, and we really managed to engaged this administration and our colleagues in the House and the Senate on this issue. Most importantly, we witnessed the international community, led by Secretary General Kofi Annan embrace the newly established global AIDS fund to fight AIDS, tuberculosis and malaria, again, an achievement which the Congressional Black Caucus is very proud of.

Now, in many ways the result and the leadership of primarily the Congressional Black Caucus' work over the last 5 years was evident at the State of the Union address 2 weeks ago when President Bush announced an emergency plan for AIDS relief in Africa and the Caribbean that would devote 15 billion over 5 years to treating those who were infected and those who are not. But our work on this issue does not end here, and we still have a long way to go before we can truly claim victory over this horrendous disease.

There are still an estimated 29.4 million Africans and 440,000 Caribbeans living with HIV and AIDS. Over a third of the populations of many sub-Saharan African countries are infected with AIDS, and in the Caribbean nearly 90 percent of all the AIDS cases are in Haiti.

In Africa and in the Caribbean, however, we are not just fighting against AIDS, but we are fighting tuberculosis, malaria and other diseases, high rates of infant mortality, the lack of access to health care, underfunded education systems, underdeveloped agricultural capacity, poor infrastructure and excessively high debt burdens. All of these developmental issues are tied to HIV and AIDS, and all of them contribute to its spreads in one way or another. That is why the fight for us continues.

The President's initiative represents a major step in a marathon, and we intend to make sure that the United States and the international community finishes the race. We cannot compromise on the substance of what our response to the pandemic should be, and in particular we will continue to push for your funding for the global fund because multilateral institutions do work and they deserve our support.

In conclusion, Mr. Speaker, let me say that during this Black History Month I hope that we all, members of the Black Caucus, this entire body, rededicate ourselves to the ideals that so many sung and unsung African American heroes and sheroes have lived and died for, and that is for liberty and justice for all.

Mr. CUMMINGS. Mr. Speaker, might I inquire as to how much time we have remaining.

The SPEAKER pro tempore (Mr. PEARCE). The gentleman has 4 minutes remaining.

Mr. CUMMINGS. Mr. Speaker, I grant time to the gentleman from New York, who has fought issues with regard to education (Mr. OWENS) for many, many years and has stood at the forefront of that issue and many other issues.

Mr. OWENS. Mr. Speaker, I want to thank the chairman also for sponsoring this Special Hour on Black History Month, and I want to discuss a few milestones and events in African American history that are related to education and that should not be forgotten.

We should not forget that one time to teach reading to a slave was a crime. If you want to know why we are in a position where we need affirmative action, if you want to know why at present the median net worth of white families in America is $120,000 while the median net worth of black families is America is only $17,000 then take a look at where we had to come from.

For 232 years it was a crime to teach a slave to read, and then we went through a period where we had to endure separate but equal; but separate but equal was never equal. I came from the Southern schools, the Southern schools. All my life I was in Southern schools, and there was a point where the books and desks and everything that we had had been used for 5 or 6 years by white schools before they were shipped to the black schools. So in every way there was no equality.

We should remember this. We went through separate but equal, and now we are in a situation where it is official neglect. The money, the resources necessary for education is not there. We have a lot of rhetoric supporting public education where most of our black youngsters are educated, but we do not have any resources.

My time is short so I will have to cut this sort. I just want to say that education is a civil rights issue of our time. It is a civil rights issue we must focus on. The slaves who were set free understood very well the most important thing for them to do was to read. People who learned to read had a great deal of status in the new free-slave communities, and we have to get back to that in our African American communities.

Education must be our first priority. It is the only way out of poverty. It is the only way to achieve political equality.

Mr. CUMMINGS. Mr. Speaker, our last speaker is a lady from the great State of Texas, who I yield the balance of our time to. But we just remind America that as we celebrate Black History Month, every day black history should be celebrated. Without further ado, I yield the balance of our time to the great lady from the State of Texas (Ms. JACKSON-LEE), who is also the first vice chair of the Congressional Black Caucus.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman. And I will count the conclusion, Mr. Speaker, to be the beginning. And that is to acknowledge that we are just beginning to explain to America some of the issues that still plague us but also offer to America a sense of hope, that we are Americans, African Americans who believe in this country and believe in America's promise.

That is why I think it is appropriate to cite from the letter in the Birmingham jail of Martin Luther King. And when he wrote this letter on toilet paper as he was incarcerated, he was responding to the clergy who had condemned him for coming from Atlanta to Birmingham to agitate in Birmingham. He simply said, ''We have waited for more than 340 years for our constitutional and God-given rights.''

And so I conclude this evening with a beginning and that is that we must continue to fight for our civil rights. And we hope that we can educate America that even though it appears that the civil rights era is over we begin anew. It is extremely important to recognize that the Kerner Report written in 1968 is in actuality a statement of America today. Oh, yes, we have made achievements. We are very gratified that we have leaders in academics, leaders of corporation, leaders in science; but yet we still find an unequal community as it relates to criminal offenses and judgments, racial profiling, the now attack on affirmative action which I believe is an attack out of lack of understanding and ignorance. Because if you understood the University of Michigan's very astute and very precise program, Mr. Speaker, you would understand that it is equal to giving 20 points for being an alumnus child, 20 points for living in northern Michigan, 20 points for speaking a different language. It is not in any essence a quota or preference. It is an outreach to make sure the university reflects America.

So we say today that even though we had Brown v. Board of Education in 1954 and many of us thought we had integrated America's school, we are in fact going backwards by showing a large degree of segregation. It means that our work is just beginning, Mr. Speaker. It means that I call upon my colleagues here in the United States Congress to join us not in celebrating African American History Month on a day or night when the members of the Congressional Black Caucus rise to speak to you, but let us do it in our actions by working with us to ensure the Supreme Court does not rule affirmative action unconstitutional. Let us encourage Republicans and Democrats to file briefs that will support the idea of a color blind society and an outreach society that ensures a diversity as it should be.

In conclusion, let me suggest to you, Mr. Speaker, that we are reminded of the words of Martin Luther King explaining why we cannot wait. We cannot wait because we are still unequal. The scale is still unbalanced, and it is necessary that we fight not isolated as one community against another but as Americans recognizing that this Nation is better by understanding our history, being able to suggest that our history is American history, and fighting with us for America to reach its promise.

Mr. Speaker, my entire statement is as follows:

Mr. Speaker, I rise today to discuss an issue that is timely: the State of Civil Rights. I am pleased that the Congressional Black Caucus has reserved this hour to focus on Black History Month. This year's theme is the ''State of the Union 2003.'' We heard recently the President's State of the Union. The President did not speak to the real State of the Union for African Americans.

We celebrate Black History Month at a time when our civil rights are under attack. I joined many of my colleagues in filing an amicus brief in support of the affirmative action plan of the University of Michigan. Affirmative action is under attack in this country more than 30 years after the Supreme Court's decision in Baake.

Nearly 35 years ago, President Lyndon B. Johnson issued Executive Order 11365 to establish the National Advisory Commission on Civil Disorders to respond to the civil unrest in urban cities. The problems identified by the commission: disparities in police practices, unemployment and underemployment, inadequate housing and poor education remain problems in the African American community three decades later.

The 1968 Report of the National Advisory Commission, also known as the Kerner Commission Report, recommended expanding opportunities for higher education and removing the financial barriers to higher education. Yet, here we are, three decades later, defending affirmative action efforts, battling high unemployment rates in the African American community, dealing with poor housing and deteriorating education in urban areas for children in K–12.

Affirmative action has moved to the center of public debate with the challenge to the University of Michigan's affirmative action program. It has become the catchall phase for those who challenge efforts to promote diversity.

Affirmative action is a set of tools used to give qualified individuals equal access and equal opportunity to employment or education. It means taking positive steps to end discrimination so that managers or other people who make hiring decisions have to give every candidate a reasonable chance to compete. What it does not mean is quotas or preference for unqualified applicants.

I would like to remind my colleagues that before the release of the Kerner Commission Report, affirmative action law can be traced back to the early 1960s, when the Warren Court, and then the Burger Court, dealt with the problem of integration in America's public schools. The basic statutory framework for affirmative action in employment and education services is the Civil Rights Act of 1964. Public and private employers with 15 or more employees are subject to a comprehensive code of equal employment opportunity regulations under Title IV of the 1964 Act.

Affirmative action is needed to address present day discrimination, and the problems that women and minorities must contend with when they apply for jobs, educational opportunities or try to move up the corporate ladder. We need affirmative action because discrimination still exists and is holding America back from achieving the highest principles of fairness and equality.

It dismays me that affirmative action is under such intense scrutiny. If the Supreme Court rules against the University of Michigan, opportunities to enter the doors of our great higher educational institutions will be denied to thousands of minorities. This is truly a watershed case, and I am disappointed that the President has come out publicly against the school's affirmative action plan. The University of Michigan established a sound and well thought through admissions plan both in the undergraduate school and the law school. This was clearly a solid use of affirmative action. The school followed the spirit of the law and considered a range of variables in admitting students, including unique talents, interests, experiences, leadership qualities and underrepresented minority status.

We do not live in a colorblind society. The 14th amendment to the U.S. Constitution guarantees that no state shall ''deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.''

When affirmative action works, qualified women and minorities have a fair chance at employment, education, and business opportunities.

The 1968 Kerner Commission found that the extent of underlying socio-economic problems caused racial strife. While I believe that African Americans have made tremendous strides, we still have a long way to go to reach true equality. African Americans on a daily basis face prejudice, police brutality, and racial profiling. Unfortunately, we are not often in the position to seek redress through the judicial system. The judicial nominees to our nation's courts are becoming more and more conservative. I opposed the Pickering nomination and I oppose the Estrada nomination.

Socio-economic barriers still exist in the African American community. There are 36.4 million African Americans in the country, according to the latest census. This is 12.9 percent of the total population, yet the poverty rate for African Americans is 22.7 percent.

African American History Month is a celebration of people who have gone before us and on whose shoulders we stand, of people who stand among us today transfixed on a goal to achieve even more. It is a time to pause and renew our commitment to realize the progress and achievements of our people and to go much further as we write our own chapter. A time to continue the legacy of African American History.

President John F. Kennedy said in 1963 that ''Every American ought to have the right to be treated as he would like to be treated, as one would wish to be treated, as one would wish his children to be treated.'' I believe those words ring true today 40 years later.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I commend my colleague, Mr. CUMMINGS for reserving this special order to celebrate Black History Month, a commemoration that dates back to 1926 when Black Americans celebrated Negro History Week.

Mr. Speaker, it is my hope that the citizens of the United States, especially young African-Americans, recognize how we've grown and developed since then. And also realize and appreciate the important contributions of their forebears and contemporaries to the development of this nation and American society.

I am proud to stand before you today to salute two outstanding citizens from my childhood home to Waco and congressional district of Dallas. James Andrew Harris was born on March 26, 1932 in Waco, Texas. As a graduate of Houston-Tillotson College in Austin with a chemistry degree, Mr. Harris worked in the Nuclear Chemistry Division of the Lawrence Radiation Laboratory at the University of California. There he was part of the team that discovered and identified elements 104-Rutherfordium and 105-Dubnium on the Periodic Table of Elements.

Dr. Otis Boykin was born in 1920 and raised in Dallas. His mother was a homemaker and his father a carpenter. Dr. Otis attended Fisk University and the Illinois Institute of Technology. Unfortunately, his parents could not afford his tuition and he dropped out of college after two years. Thereafter, Dr. Boykin built electrical devices used today in all guided missiles and IBM computers. He also developed a control unit for an artificial heart simulator (pacemaker) that helps millions of cardiovascular patients. Otis Boykin will be remembered as one of the greatest inventors of the twentieth century.

Mr. Speaker, today I am worried that given the current educational settings of our country, future Otis Boykins and James Andrew Harrises will not have the opportunity to pursue their dreams or realize their talents.

I want to focus briefly on what is going to happen in my State of Texas. It is reported that at least $2.7 billion must be cut from Texas public education over the next two years to balance the state budget without a major increase in taxes or fees. The University of Texas at Austin will hire fewer professors, forcing students to scramble for the classes they want. At Texas Women's University, fewer police officers may patrol the campus. Some intercollegiate sports may disappear from Collin County Community College. Tuition will probably rise at Dallas County Community Colleges. Universities, medical schools, community colleges and the Texas Higher Education Coordinating Board collectively must slash $343.8 million in the middle of the school year.

Mr. Speaker, one University of North Texas official summarized the current situation very clearly: ''The monster came through our door, and now he's sitting on our lap.''

I am further concerned as I read new stories, such as a Washington Post article which recently indicated that Oregon is on the verge of cutting as many as 24 days from its school year. The United States ranks 18th among the industrial nations in school year length. How can we expect American schoolchildren to learn in 180 days as much as Korean children learn in 220? They cannot!

Just a couple of weeks ago we listened to President Bush's well-written, well-delivered State of the Union address. Yes, it was nice to hear words about diversity, higher education, making college more affordable, and leaving no child behind. But words are cheap! What has been done to increase the diversity of our populations in higher education? What is being done to make higher education more affordable? And how will we ensure that no child is really left behind in our elementary and secondary public school education system?

Mr. Speaker we should invest in the education of under-privileged young people here at home. It will improve not only our educational system, but our society as a whole. So many Otis Boykins and James Andrew Harrises will have the opportunity to revolutionize technology that affects people's everyday lives.

Again, thank you to Congressman CUMMINGS for organizing tonight's special orders.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks and include extraneous material on my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ABC CODES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the billing code system in the United States permits insurance reimbursement for health services and facilitates review of patient access and utilization of benefits.

Mr. Speaker, the way we determine health policy, evaluate health care services and codify those services for reimbursement impacts our health care system in dramatic ways. In health care reimbursement, if there is no code for the product, it will not get reimbursed.

Many Americans use complementary and alternative health care procedures, including nursing, chiropractic, acupuncture, naturopathic medicine, nutritional and botanical therapies. Too often there is no insurance reimbursement or inadequate reimbursement for these health-promoting services. And one reason is because there is no standardized tool to code these services and products. As a consequence, those who can afford it pay out of pocket and those who cannot are denied access.

Right now the Current Procedure Terminology code, or CPT codes as it is called, is the only approved coding standard available for insurance reimbursement. It is geared strictly to services provided by physicians and does not have the capability to represent services by other licensed providers including nurses. The CPT codes cover only about a quarter of all health care services used by Americans, leaving out three quarters of all health care products and services used to stay healthy and prevent disease. This creates critical gaps in knowledge about the health care marketplace.

On January 16, Health and Human Services Secretary Thompson authorized a pilot test of a new coding practice in accordance with the provisions and regulations governing the Health Insurance Portability Act that facilitates electronic transactions. These new codes supplement CPT codes and support tracking, measurement and analysis of the economic and health outcomes of complementary and alternative medicine, nursing and other forms of integrated health care. We have the opportunity as a result of this action to make major strides in addressing pressing issues in health care, accessibility, quality and cost management.

Mr. Speaker, this new technology is a set of alphabetic codes, called ABC codes, that function in a manner similar to the bar codes in the retail industry. This innovative new technology can provide us as health policy-makers with a more complete and accurate picture of the way U.S. health care is managed, financed, and delivered in terms of what works and what does not.

□ 2100

Head-to-head comparisons of conventional, complementary and alternative care are necessary to identify and advance the most health-promoting and cost-effective health care practices.

Mr. Speaker, I learned about the ABC codes because they address many health care services that have been largely ignored and undervalued and because studies show it is much more cost-effective to prevent disease than to treat it after it has developed.

The developers of ABC codes have designed ABC codes to fit into existing health care data fields, software application and information systems. So the cost and burden of implementation is small, but the benefits are large, and ABC codes help payers identify when reimbursement is justified as it relates to whether the provider is licensed under State law.

Mr. Speaker, I urge everyone to pay close attention to this pilot program to learn of the value of integrating complementary health care and assisting us in developing a model of care that is more cost-effective and health promoting.

SENATE CONFIRMATION OF MIGUEL ESTRADA

The SPEAKER pro tempore (Mr. PEARCE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, I would like to yield to the majority leader, the gentleman from Texas (Mr. DELAY). I think his comments are especially pertinent this evening in consideration of the debate that is going on in this Capitol. So I yield to the gentleman.

Mr. DELAY. I greatly appreciate the gentleman giving me some of his time. The gentleman is on this floor on a very regular basis making some very important remarks about very important issues, and he will continue that, but the gentleman is right, Mr. Speaker.

Tonight is a very, very important night. There is a debate going on in this town that is highly important to the future of this country. The debate is so important that I hope the American people are tuning in and understand what is going on in this country.

Because, Mr. Speaker, there is a gentleman that has been nominated to serve on the D.C. Court of Appeals bench. The gentleman's name is Miguel Estrada. Miguel Estrada is exactly the type of highly qualified lawyer that America needs on the bench in this country. His story also mirrors America's best heritage of individual achievement and the blessings available to those who choose to hitch their futures to our republic. He represents the best tradition of hard work, perseverance, dedication and integrity. He built a strong record of academic excellence in leading universities.

The left often opposes conservative judicial nominees on the basis of an unfavorable rating from the American Bar Association, but in this case, Mr. Speaker, even the ABA recognizes that Miguel Estrada is well qualified. In fact, Al Gore's close legal adviser and former chief of staff Ron Klain had this to say about Estrada: Miguel is a person of outstanding character, tremendous intellect and with a deep commitment to the faithful application of precedent. The challenges that he has overcome in his life have made him genuinely compassionate, genuinely concerned for others and genuinely devoted to helping those in need.

Former President Bill Clinton's Solicitor General Seth Waxman said, During the time Mr. Estrada and I worked together, he was a model of professionalism and competence. In no way did I ever discern that the recommendations Mr. Estrada made or the analyses he propounded were colored in any way by his personal views or indeed that they reflected any consideration other than the long-term interests of the United States. I have great respect both for Mr. Estrada's intellect and for his integrity.

There, Mr. Speaker, we have it. Objective observers from the other side of the aisle recognize that Miguel Estrada is a highly qualified and intellectually gifted legal superstar who would immediately raise the standard of the bench on his first day.

There is no substantive basis for opposing his candidacy beyond the vicious and intellectually dishonest tenets of an all-consuming leftist ideology that is driven entirely by an appetite to destroy anyone standing beyond its control.

The left is inflamed by any prospective judicial candidate with the courage to oppose their unrelenting, small-minded, intolerant hostility to the traditional foundations of American life: faith in God, reverence for tradition, respect for the true rule of law and the recognition that we are all ultimately accountable for our actions.

That last point in particular, Mr. Speaker, summons the deepest venom and bile from the left. They attempted over the four decades beginning in the 1960s to put forth a vast and sordid swindle upon the American people. The left claim that men and women could take any action, that they could ignore our most sacred and sacrosanct traditions, that in service of convenience they could callously destroy and step forward without consequences.

Now we know better. We know that the left's malevolent campaign to undermine the notion of truth itself comes at a frightful price. Their malignant hold over the intellectual life of

this country must be exercised, and men and women who are willing to speak the truth offer our only hope of reclaiming our culture from the grip of a hedonistic, reckless and destructive descent into nihilism.

They oppose anyone who would reject the long reckless reach of the plaintiff's bar into everyday lives with frivolous and destructive lawsuits. The left are wracked with malice by the prospects that a Republican judicial appointee would approach the Constitution with reverence as a fixed defining document that offers a true north for the breadth and reach of the Federal Government.

The left prefers instead legal anarchists who approach the Constitution as a malleable document, subject to political manipulation and susceptible to the faddist legal theories of the moment.

Because Miguel Estrada is committed to upholding our founding principles and preserving the integrity of the rule of law, the left is targeting him for destruction. This we cannot and we will not allow.

Mr. Speaker, I must say that the other body is working late into the night, and I hope that the American people will tune in to C–SPAN that is carrying the other body's debate because it is a critical debate to what is going on in this country today. It is a critical debate, a debate that the Nation is having today, a debate that is so vitally important to the future of this country.

To take a man from Honduras, an immigrant that has worked his way up, realizing the American dream, going to college, getting his law degree, working in courts and working for the President of the United States, trying to advance an agenda that is vitally important to American people; but because he may have a name that is different than most, because he is a Hispanic, he is a danger to the left, and they are treating him as dangerous.

Mr. Speaker, I think it is vitally important that we as Americans stand and support Miguel Estrada in his quest to serve on the D.C. Court of Appeals, and I would urge this House to stand up with Estrada on this evening, a very important evening for this country, and I thank the gentleman for yielding.

Mr. MCINNIS. Mr. Speaker, before the gentleman leaves, I would like to point out a couple of things about Mr. Estrada.

First of all, the American Bar Association has given him the highest qualifications. These are the people that go in, regardless of race and economic status, they take a look at their legal qualifications. He is at the top of the book. He is at the top of the group. He is at the top.

Second of all, I think it is very important some of the gentleman's remarks. He is a leader, a recognized leader in the Hispanic community. Why are they picking on him? They cannot pick on him because of substance. I think there is a double standard back here.

The Democrats on one hand stand and say they feel strongly about the Hispanic community, but when the going gets tough, where are they to be found? It is people like my colleagues sitting over here that have enough guts to stand up when something is going wrong and say, how can you do this? Or the American Bar, which by the way is nonpartisan, has said he ranks at the very top. And here we have the Democrats taking on what is going to be the first opportunity for a Hispanic in the history of our country to be named into this position, and it is the Democrats who take one of the most highly qualified attorneys in this country, according to a bipartisan group, the American Bar Association, and are at this very moment seeking to destroy him.

The gentleman's comments were well taken.

I would be happy to yield back to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

It is rather strange that it is okay to be Hispanic, but a person has to be Hispanic with a particular point of view. In this country, can my colleague imagine that a person has to be a Hispanic that only believes one way, that only believes the way that the left would have them believe, that is only controlled by the left?

But to have somebody that has brought himself up from poverty and present himself to the United States for a very important prestigious appointment, to have to kowtow to the control of the left because he may not think the same way they do, that he may not believe in the same things that they do, is just outrageous, and the American people need to see what is going on here in this town tonight.

They need to understand what is going on in this town tonight, and they need to reject those that would reject Miguel Estrada.

Mr. MCINNIS. Again, reclaiming my time, in my opinion, this is the clearest example of a double standard that we have seen in a long time, and it is taking place right now in front of the American public; and the American public ought to stand up and say, look, just because one is not on the radical left does not mean they should not have an opportunity as a Hispanic leader, as one of the top-rated attorneys in the country by the American Bar Association, to take a position that has never before been held by a Hispanic.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman being here and I appreciate him yielding time to us, and I think I and my colleagues are going to go over to the other body and witness what is going on.

Mr. MCINNIS. Mr. Speaker, reclaiming my time, I appreciate the majority leader taking time to share these comments with myself this evening.

Mr. Speaker, I thought long and hard before I came over here to the House floor tonight. My comments are coming from the depth of my heart of which I feel very very strongly about. I want to go through a couple of things with all of my colleagues this evening because I know most of them feel the same way I do. They understand our job responsibilities to the American people, our job responsibilities not only to the American people, but to the world.

As the President said in his State of the Union address, freedom is not just a gift to America, freedom is a gift to all humanity; and this Nation leads the world and has led the world throughout its history, throughout the history of this Nation as the one who carries the banner of freedom, as the one who has the ability and not just the ability, excuse me, but has the courage, the profound courage, to stand up for other countries that are not as fortunate.

It is the United States of America that today, when we match it against any country in the history of the world, not just the history of the United States, but any country in the history of the world, it is the United States of America that has gone to arms more often than any other country to defend another country. It is the United States of America that goes to military assistance; not to conquer, the United States did not go out and attempt to conquer other countries. That is not our mission in this life.

Our mission is to go out and allow freedom to spread throughout this world. It is the United States of America that today, if we take a look at all the food assistance in the world, it is the U.S.A. that provides 60 percent of it. It is the U.S.A. that provides more educational opportunities than any other nation in the world. It is the United States of America that provides more medicine to other countries than any other country in the world. It is the United States of America that allows more opportunities to immigrants than any other country in the world.

There is a reason that in the United States of America we have problems with immigration. Do my colleagues know why? Because of the fact we do not have any lining up to get out of this country. We have people lining up by the hundreds of thousands that want to come into this country, the country of great promise, but this country only achieved this position of strength through a position of commitment.

That is when we see something wrong going on, either against our citizens or against the citizens of our friends, we must take a position. We must stand up. In part, nobody else has the capability to do it.

Then sometimes when, as the case that I am going to go through with my colleagues in some detail tonight, there are other countries that have the capability to stand up and do it, but they will not stand up. When the going

gets tough, that is when we count our friends.

□ 2115

There are a lot of people who will want you to be the first one out of the foxhole. But the fact is not a lot of people will follow you as you go onto that battlefield under heavy fire.

Now, let me say right at the onset of my remarks, the President of the United States has done a tremendous job. The Secretary of State, Colin Powell, has done a tremendous job. Condoleezza Rice, Don Rumsfeld. Thank goodness, in this time of need, George W. Bush put together this kind of A squad. I do not care whether you are a liberal Democrat or a conservative Republican. The fact is when you take a look at a Condoleezza Rice, when you take a look at a Colin Powell, whether you agree or not, the fact is you have to say they are good. They are class. They are the top. They are the A squad. And fortunately, in this time of need, we have the A squad running this country.

Now, I want to go over this evening, number one, what I think our ultimate responsibility is to the American people, to the constituents that we represent. I want to go over a little background of Iraq and talk a little bit about Saddam Hussein, who unilaterally, by himself, has killed more Muslims than any other known person in the history of the world. He has killed more Muslims. Killed more Muslims. And that, by the way, includes men, women and children. He is the only leader alive today that we are aware of that has used chemical weapons and things like anthrax and other types of poisonous weapons to kill his own population, to kill his own people. He would just as soon take to war against another country, but use it against his own people. So I will talk a little about the history of this madman.

I will talk a little about the situation we face in regards to our allies, particularly the French and the Germans, who have stunned the world of NATO, which for 50-some years has been a close-knit organization, an organization in which the loyalty and the dedication to your fellow members has never been questioned, has never been questioned. Their moves in the last week and a half have shaken the very foundation of the North Atlantic Treaty Organization.

I will be going to Europe this week to participate in NATO meetings, and I can tell you that I am taking a message to my colleagues in Germany and Europe and Belgium and Luxembourg. My message is: Have you thought about what you are doing? Look what you are doing to the family. I know we may have a family dispute, we may have an inter-family dispute, but look what you have done to the family. The steps that the French and the Germans have taken this week reach far beyond the fact they refuse to provide assistance to the country of Turkey, which by the way is the most Muslim country in the world, a nation that has stood up against radical terrorists, against the radical believers of the Koran who have read it inaccurately. Yet our colleagues in France and Germany have refused to stand up, and they have really cracked the foundation of an organization that some now say has served past its due time.

I want to visit a little about what we do after this is all done, and I think it is very important. Because what other country in the history of the world, show me one other country in the history of the world that after they engage in a military conflict with another nation believes that it is as important to rebuild the nation that they just went to war with; that it is more important to rebuild that nation than to walk away. The United States of America did it in World War II with the Marshall Plan.

The United States of America built Japan. In fact, the aid we gave Japan, I can remember in the 1980s, when people were saying, my gosh, we restored this country, we saved this country from going into oblivion. We saved this country. We helped rebuild this country. We wrote their constitution and we put a general in charge, and now Japan is overtaking us in the business community. Remember those days in the 1980s? This Nation is not a Nation that seeks to conquer. This is a Nation that seeks to do good and do good for the right cause and for the right people. And this is also a Nation, although reluctant to do so, it is a Nation that is prepared to take that sword and show its terrible wrath against the evil people of this world. And, of course, Saddam Hussein fits at the very top of that list.

Let us visit just a little about Iraq. We all remember the situation in the Persian Gulf. And I have heard many people criticize, including myself, when I asked the question many times, Why did we not take out Saddam Hussein in the first Persian Gulf War? Why did we not do it? What kept us? We had a superior Army, and the so-called Republican Guard of the Iraq armed forces folded. They folded like that. In fact, many of the guard surrendered to unarmed American photographers, newspaper reporters. And we went, Why did we stop at Baghdad? Why did we not go in and take care of the problem?

Initially, I criticized the first George Bush. But when we take a look at what happened, it was not the President of the United States. Not at all. It was the United Nations. It was the United Nations mandate. That was the only authority, assuming we followed that mandate, the only authority this Nation and its coalition had, which was to take Saddam Hussein out of Kuwait, but not to go in and have a regime change. So as a result of the United Nations actions 12 or 13 years ago, it was the United Nations that kept Saddam Hussein in power, and it has been the United Nations, which resolution after resolution after resolution has turned a blind eye towards violation after violation after violation. Keep in mind that this country knows when it is called upon to do good for other countries.

My district is in the Colorado Rocky Mountains. I had the good fortune, the privilege, actually, of being in Aspen, Colorado, when George Bush, Sr., flew in to the news, as he was in flight, flew into the news that Iraq had just taken a smaller country, Kuwait. Had invaded it. Had invaded that country. It was Margaret Thatcher and George Bush, Sr., in Aspen, Colorado, that made the decision that the action taken by the Iraqi country and by Saddam Hussein would not stand. Remember those words? The President said this will not stand.

We prepared militarily. We built a coalition. But we yielded to the leadership of the United Nations, or at least the restrictions imposed by the resolutions of the United Nations, and that is that we not go into Baghdad and have a regime change. Furthermore, we yielded to the United Nations, who basically set out the terms of what the negotiation should be on the surrender of Saddam Hussein. These surrender terms allowed Saddam Hussein to stay in power. It allowed him to stay in power, but under very, or what we thought at the time, were very tough and stringent conditions. And those conditions being that he would never again arm that country with weapons of mass destruction; that he would allow inspectors into his country for the rest of the history of that country; that he would turn over to the allies and to the United Nations inspection forces all his weapons of mass destruction; that he would list the weapons of mass destruction that they still had in their inventory.

This was term after term after term after term that the United Nations insisted upon during the surrender. What happened? Violation after violation after violation.

Now, keep in mind that I think our responsibility as Congressmen to this Nation, and frankly to the world, but our ultimate responsibility is to provide for the security of the people of this country. I cannot think of any other responsibility that rises to the level of protecting the security of the people that live within these borders and our friends outside these borders. It, in my opinion, is an absolute obligation. And should we fail through negligence, or in this case what I would consider gross negligence, because we know what Iraq has; we know, at some point, what Iraq's intentions are, it would be a gross failure of our ultimate responsibility if we did not answer to the call, if we did not send fire trucks to this fire.

Sure, the fire is dangerous. Sure there are a lot of resources and a lot of fire trucks that we are going to have to send to that fire, but we have to send them.

Let me give some kind of comparison here. I think in a lot of aspects a medical doctor has the same type of responsibility to his patient or her patient. A medical doctor's responsibility is to provide for the security of their patient, security in the terms of their health. What is the health of the patient? How can we preserve the life? What can we do for this patient? The security of that patient. And sometimes that means the doctor has to give some pretty tough advice.

In this particular case, think of going to the doctor and you have sort of a hurt in your foot. So you say to the doctor, Doctor, my foot kind of hurts, but it is not really a big deal, I do not think. I am just kind of coming in here because my mom told me I needed to come in and see you. I wanted to get her off my back, so I am coming in to see you. So as the doctor, you come back to your patient and you say, I have some bad news and I have some good news. The bad news is you have cancer in that foot. The good news is we can take care of it now.

Now, it is going to require some sacrifice. It is going to require some pretty dramatic action, action that you never anticipated when you walked into this doctor's office, but nonetheless that action is required. And the patient looks at the doctor and says to the doctor, Doctor, I do not want to hear this. I do not want to hear this. It is going to disturb my lifestyle. It will interrupt me going to work, my work schedule. I did not come in here to hear I have cancer. I came in here just because my foot was bothering me a little. I do not want to hear it.

Or the patient says to the doctor, okay, Doctor, but I want to go home and pray about it. The patient wants to pray it away. I do not want this happening to me. Well, prayer is very important, do not get me wrong. I say prayers everyday, and thank goodness we have some guidance from our supreme being. But the fact is that alone does not do it. Does not do it.

Or the patient says to the doctor, I just want to go home and go to sleep and tomorrow I will wake up and it will all be a bad dream. But the doctor says to the patient, before you leave this office, keep in mind that today we can take that cancer and it is in the foot. If you wait too long, that cancer, the next time you come in here, that cancer will have spread throughout your body, and then my options are extremely limited. So I cannot allow you to go out of this office without being fully open with you and telling you that.

And that is exactly what we as Congressmen, that is exactly the fundamental responsibility that we have to the generation behind us and to the generations that live with us, and that is to be straightforward. We have an opportunity today to stop that cancer while it is still in the foot. To ignore that, to pretend that it is not occurring, to somehow kind of say, let us sleep on it and it will go away is a huge, huge, huge misstep in our obligations.

In fact, I think, I truly think that the failure to stand up to this threat that is so imminent and imminent to future generations, failure for us as a body to stand up to this threat is nothing short of treason. That is how strongly I feel. We know it is there.

Now, this Congress has not neglected its duties. This Congress has stood up and given to the President of the United States the authority the President needs to go in and engage in whatever operation, whether it is a peaceful operation or a military operation, to fix the problem. But this problem needs to be fixed now.

And the President, in my opinion, has been very patient. The nations across this world have been very patient. We have gone through 17 resolutions with the United Nations. Each resolution has been violated. Each resolution has been broken. At one point, Iraq kicked the inspectors out. Iraq has continued time after time after time to hide these weapons, to play a game of cat and mouse.

What would happen if Iraq surrendered those weapons? Do you know what would happen to Iraq if it joined the world economic community? It would be one of the wealthiest countries in the world. They would be able to provide for their citizens. Saddam Hussein could provide a standard of living for his citizens that would match many of the industrial countries in the world.

□ 2130

The people of Iraq could have education. The people of Iraq could have the kind of medication and health care that most industrial countries enjoy. The people of Iraq could enjoy the fruits of their hard work, but instead this horrible leader has focused on one issue and that is a self-serving image of himself to be a creator of disaster. And we have an opportunity to step forward.

Let me say what happened. We have got some examples in history where, when the obligation was there, the team that was responsible to handle it did not do it, did not carry out their responsibilities, and I want to speak briefly about that example.

Germany, World War I, Germany used poison gas. Germany in its surrender, very much, there are a lot of similarities between Germany and Iraq, Iraq in the Persian Gulf War, Germany in World War I. Germany surrendered to the international community. In fact, it is kind of weird how close those conditions that Germany surrendered upon are similar to the conditions that Iraq surrendered upon.

Germany agreed not to produce any more weapons of mass destruction. Germany agreed to allow inspectors into its country. Germany agreed to surrender all weapons of mass destruction or gas or weapons like this to the allies, to the world community.

What happened? It was not very long where Germany, just like Iraq, started saying to the inspection teams, ''Wait a minute, this is sovereign territory, you have no right to enter this part of our country and inspect whether we are hiding weapons in there.'' And the international community, primarily led by France, by the way, gave in. They refused to force Germany to live up to its agreement. They refused to acknowledge the fact that the Germans had lied and the Germans had used those weapons in a very lethal fashion against the world and that they were not surrendering those weapons.

So they did not know what to do with this hot potato. Germany was not allowing the inspectors to carry out their duties. In fact, Germany kicked the inspectors out, just like Iraq did.

So what happened? What did the community do? The international community led by France, they turned it over to a group called the League of Nations. What did the League of Nations do? They talked tough just like the United Nations did, but they blinked, and when Germany continued to refuse to follow the agreement that they made, that they made, the League of Nations stood down. The League of Nations backed off.

What happened? Well, Germany rebuilt its inventories. Germany, in fact, had been lying about the weapons that it in fact possessed. The League of Nations became a paper tiger, and today there are very few people that one can stop who can tell them what the League of Nations is. And the United Nations faces the same challenge.

Keep in mind that under President Clinton on the bombing, the air war against Kosovo, against Milosevic, keep in mind that it was the United Nations which refused to pass a resolution supporting the air war in Kosovo. And now the United Nations stands up and beats on their chest as if they are the ones that saved Kosovo. Fortunately, President Clinton, through his leadership, was determined that that was what was necessary, and frankly he turned out to be right and the United Nations was wrong.

Keep in mind that these resolutions that the United Nations has passed are simply a reflection of the agreements that Saddam Hussein and his country agreed to. These are not conditions imposed by outside countries upon the sovereign immunity of Iraq. These are conditions that Iraq agreed to, and Iraqis themselves have time and time and time again broken the very things that they agreed to.

Now let us take a look at what kind of weapons Iraq has. I listened to some of the people that are protesting this action. I am appalled by the fact that they are ignoring the cancer that exists. I am appalled by the fact that they gunplay to the world, through public relations, a very sophisticated public relations campaign, that they underestimate the threat of these weapons, that they somehow think

that we can trust Saddam Hussein, that they somehow think if we love him and hold his hand and talk warm and fuzzy talk with him, maybe share a piece of apple pie with the guy, that he is going to come clean and be a good neighbor.

This is a neighbor who has a vicious past. My guess would be that some of these protestors are some of the protestors that lead protests to disarm American citizens and take on battle with the National Rifle Association, but yet take a totally opposite stand when it comes to Saddam Hussein.

Now let us just see how serious this threat is. We are not talking about 13 empty missiles or shell casings. We are not talking about a couple Scud missiles that exist out there. Let us take a look at what we are talking about.

I refer you to the poster. This is the history of chemical weapons that Iraq has. These are weapons that Iraq has used in the past. So first I want to show this, and then we are going to progress from this poster to the next poster, which demonstrates what their inventory is. But just for those people out there that are in these protest lines, I think you have every right to be there, but I disagree fundamentally with the direction that you are leading a lot of innocent people. You are going to get them killed, in my opinion. You are leading them down the path of disaster if you ignore the history that Iraq has proven to the world.

Let us take a look at the history. My poster, Iraq's history of chemical weapons use. Date: 1983; type of agent, mustard; around 100; target, Iranians and Kurds. Keep in mind that Saddam Hussein has led his Nation on two invasions against other countries outside its borders, not in retaliation but in an offensive action. They attempted to invade Iran, and they did invade Kuwait.

October, 1983; mustard gas; casualties, 3,000; victims, Iranians and Kurds. And I should point out that the Kurds were Iraqi citizens.

February, 1984; mustard gas, 2,500 people. These are equivalent, 3,000. That is like the New York Trade Center and the Pentagon, 3,000 people, and he got them with mustard gas. The same thing, mustard; 2,500 Iranians.

March, 1984, Saddam Hussein, 100 more Iranians.

March, 1985, Saddam Hussein kills 3,000 other people through the use of these chemical weapons.

February, 1986, mustard gas, 8,000 to 10,000 people. Remember, these are not fighting men. These are men, women, and children that were extinguished, they were eliminated, they were murdered in cold blood though the use of chemical weapons as ordered by Saddam Hussein, 10,000 that time around.

1986, thousands, they cannot even estimate how many thousands were killed in that attack by Saddam Hussein using this type of weapon.

1987, mustard gas, 5,000; 1987, mustard gas, 3,000.

1988, hundreds, mustard gas, nerve agents.

How much clearer can it be? I mean, it would be one position if somebody came up and said, ''Look, we think this guy might kill somebody with these. It is a threat, but he has no history of it.''

We can use history to give us some kind of guidance of what is going to happen in the future. This is a cold-blooded killer. His only interest in being nice right now is to win the public relations battle in the international community. He knows that George W. Bush and the team of Colin Powell and Condoleezza Rice and Dick Cheney, he knows that that team is determined to do what is right. He knows that that team will not allow this threat to exist. So he is attempting, and frankly he is doing a pretty good job of it, to win a public relations battle throughout the world that, ''Look, forget what'' thou ''has done in the past and believe what I am going to do in the future. I am going to be a good guy. It is America, it is America that is causing this problem.''

So for everyone this evening who thinks that somehow we are dealing with a paper tiger or we are dealing with a threat that really does not exist, look at the history, look at the history of cold-blooded murder. Take our disaster of September 11 and multiply it and multiply it and multiply it, and we will get to the number of casualties that Saddam Hussein has carried out just through chemical weapons just as soon as other methods of war, which have killed hundreds of thousands of people, primarily Muslims, by the way.

Now let us take a look. We know through our intelligence, through the admissions made by Iraq after the surrender in the Persian Gulf that these following locations, and I will not go through each location, but every point on this poster to my left, every point on here is a weapons production facility, and a lot of these facilities are being utilized.

Let me refer to the next poster. This is one of those facilities, here to my left. It is very hard to see, but this is one of the facilities. On November 10, 2002, somehow the Iraqi leadership, Saddam, got word that the inspectors were going to be there. So on December 22 when the inspectors showed up, now take a look at what has happened.

The facility has been sanitized. It is an attempt to fool the American public. It is an attempt to fool the world. It is an attempt to divert our attention into thinking that this individual, who has twice in his history invaded other countries, who has murdered more Muslims than any other man alive, who has, through the use of chemical weapons, killed members of his own civilian population, who is responsible for hundreds and hundreds of thousands of deaths, and yet he is being persuasive with the world community in some areas in persuading them that he means no evil, that he is not a man of evil, that in fact America is the country of evil. Take a look at that sanitation.

Now let us take a look at what Iraq has under their last admission after Persian Gulf War Number One. If any poster should get your attention this evening, it should be this poster to my left.

These are inventories, not calculated by the intelligence communities of the rest of the world; these are inventories that Saddam Hussein himself admitted that he has and now refuses, time after time after time again refuses to turn those inventories over, refuses to account for those inventories and instead says to a couple of hundred inspectors in an area the size of the State of California, ''Find them if you can.'' That is the message out there, ''Find them if you can.''

Take a look at what type of weapons we are speaking of. Mustard gas, 2,850 tons. 2,850 tons.

Take a look at the sarin nerve gas, 795 tons of sarin nerve gas.

VX nerve gas, and let me tell everyone about the VX nerve gas. After the Gulf War, Saddam Hussein said he never made VX, he never made VX. In 1995, under pressure from the international community, he admitted that he made VX. He admitted he made VX, but only a few milligrams. Now they admit to 3.9 tons of that.

Nerve agent, 210 tons; anthrax, 25,000 tons; uranium, 400 tons; plutonium, 6 grams. This individual is a very, very dangerous individual.

No other country in the world is capable of leading a coalition other than the United States of America. The United States of America will go forward with a coalition.

Now, when we take a look at the national press, the world press, one would think we have no European support outside of our long-time solid friend of Britain. The fact is we have lots of support on the European continent: Spain, Italy, Portugal, Hungary, Bulgaria. There are a number of different countries that support the position of the United States, that understand that this is not a problem that is unique to this country.

It is a problem that is spread across the entire world. It is a problem that threatens the safety of everybody in this world. And yet there is a coalition that is willing to stand up and do something about it.

And do not be mistaken about NATO. The majority of NATO, the vote that went against us, was 16 in favor of the United States and three against us. The shock of NATO is that a country like France, who now, as we know, are pretty fair-weather friends, meaning they are a friend when it is convenient for them; and the Germans, it is unprecedented in NATO's history that a partner would refuse to help a fellow partner, such as Turkey, in their time of need.

□ 2145

But the fact is do not underestimate the strength that we have within the membership of NATO. There are a lot

of people in this world, there are a lot of countries in this world, that realize that this cancer must be addressed now; and we are attempting to do it.

I think we have an obligation to try and address it in the approach that has the least amount of impact; peaceful if we can do it, but do not let this game go on and on, because I am telling you that cancer spreads day by day, and that cancer does not discriminate on its victim. It will attack every man, woman and child alive. And it has no mercy. This cancer will show no mercy.

We can stop it today. And if these means of peaceful approach through the United Nations will not work, if the United Nations will not accept its responsibility and stand up to this madman, it is then inherent in the history of this country and the moral obligation of this country to stand forward and stop that cancer. That is our obligation.

It may not be what seems to be politically correct with some of the population with the French. And by the way, if you want to take a look at what is the incentive of the French and Germans to turn and invest against their long-term friend, the United States, take a look at their oil contracts with Iraq. I have heard people say this is all about oil. Well, with the French, it is. That is where they are getting their oil. Take a look at their long-term business contracts.

When I go to Europe this week, I am going to ask the French and my colleagues in Germany, Where is your investment? Where is your best, solid thought for an investment? Is it with the United States of America and the coalition of Spain and Italy and Bulgaria and Portugal and the British, or is your investment better with the country of Iraq and Saddam Hussein?

I know that we have an obligation to go in and do something about this cancer, but we also have an obligation, and we have accepted that obligation, to be there when we take the cancer off, the aftermath of what happens, after, for example, a military conflict.

This Nation will take into Iraq within hours, within hours of a military victory, we will supply that country of Iraq with medicine they have never seen under Saddam Hussein. We will supply them with food supplies and feed their hungry stomachs to the extent they have never experienced in their lifetime, many of them. We will offer that country, more than anything else we could give them, freedoms that they have never dreamed of under Saddam Hussein.

The United States of America will not rule Iraq. Iraq will rule Iraq. But it will rule it under a leader who cares about the people of that country, who does not place military weapons in school yards and missiles in hospitals. There are only good things that can happen to the country of Iraq if the United States of America and the world community stands up to its obligations.

There is a cost of leadership. Do not just stand up and say you are a leader. A leader is called upon when the challenges get tough. This is a tough challenge, and it is a long-term obligation to give these people what they deserve, and that is freedom, that is health care, that is food, that is the ability to do business.

It is our time. It is our time and our allies' time to stand up and get rid of this cancer. And if the French and the Germans and Luxemburg and Belgium do not have enough guts to do it, then get out of our way, because we are going to do what is right.

This Nation throughout its history, oh, sure, we hit a bump in the road here and there; sure, we made mistakes. This is not a mistake; this is an obligation. And I am confident that under the leadership of our fine President, this Nation will meet that obligation.

A year from now we will look back at many of these naysayers and I will say, now what do you have to say, because it will be our Nation that gave these people their freedom. It will be this Nation and people like the British and our good allies that had enough guts to do what is right.

And make no mistake, as that phrase is commonly used, this team down there in the White House and this Congress which has authorized that team in the White House, we will do what we need to do to give the Iraqi people exactly what they are entitled to.

I can tell you as a United States Congressman, I stand here with a great deal of pride, knowing that I am carrying out my fundamental responsibility to the people of this Nation and to the people of this world, and that is to provide security, to provide freedom, to share our wealth of food, to share our wealth of medicine. We will do the job. We are a can-do Congress. We have a President and an administration that is can-do. We will get the job done, and we hope that the world community will join us. The majority of them, I am confident will. Those allies like the French and Germans, who become weak-kneed now, at some point in time will look back and see it was probably one of the most serious mistakes they ever made.

So it is time for the people of this Nation to stand up in support of its leadership, and they have. We will not betray you. We will not let you down. We will do what we are charged to do, and that is to go out and protect not only our Nation and not only our friends, but the oppressed people of Iraq. And we will destroy those weapons of mass destruction. Iraq, for one, will never be a country, after we are finished, that will have the capability to once again make tens of thousands of casualties through the use of poison gas on innocent civilians.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore (Mr. PEARCE) laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I will take a leave of absence from the Science Committee for the 108th Congress due to my appointment to the Select Committee on Homeland Security.

Sincerely,

BOB ETHERIDGE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I hereby resign my position on the Committee on Small Business due to my appointment to the Committee on Education and the Workforce.

Sincerely,

DANNY K. DAVIS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I am hereby taking a leave of absence from the House Small Business Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

JAMES R. LANGEVIN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I hereby take a leave of absence on the House Committee on Science due to my appointment to the Select Committee on Homeland Security. I also would like to request that I retain my seniority on the Science Committee.

Sincerely,

ZOE LOFGREN.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I hereby resign my position on the Armed Services Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

ROBERT E. ANDREWS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I hereby take a leave of absence from my position on the Government Reform Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

ELEANOR HOLMES NORTON.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Resources:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: Effective February 12, 2003, I am requesting a temporary leave from the Resources Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

PETER A. DEFAZIO,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER. I hereby give notice that, effective February 12, 2003, I am taking a leave of absence from my position on the House Budget Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely yours,

KENDRICK B. MEEK,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,
Fourth District, Kentucky, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives The Capitol, Washington, DC.

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby resign my position on the Agriculture Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

KEN LUCAS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby take a leave of absence from my position on the Small Business Committee due to my appointment on the Select Committee on Homeland Security.

Sincerely,

CHARLES A. GONZALEZ,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Education and the Workforce:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby request a leave of absence from my position on the Education and the Workforce Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

LORETTA SANCHEZ,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby resign my position on the House Committee on Small Business due to my appointment to the Select Committee on Homeland Security.

Sincerely,

BILL PASCRELL, JR.,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2003.
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby request a leave of absence from my position on the Small Business Committee due to my appointment to the Select Committee on Homeland Security.

Sincerely,

DONNA M. CHRISTENSEN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Resources:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 12, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby take a leave of absence from my position on the Resources Committee in order to assume my appointment to the Select Committee on Homeland Security.

Sincerely,

EDWARD J. MARKEY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

IN SUPPORT OF MIGUEL ESTRADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in support of the nomination for Miguel Estrada to the District of Columbia Circuit Court of Appeals. This is an extremely well-qualified candidate that I am happy to speak in support of.

This is someone that the American Bar Association, it is not just me who is saying positive things about him, has described as ''well qualified.''

He was born and raised in Honduras. He would be the first Hispanic ever to sit on the U.S. Court of Appeals in the D.C. Circuit, which many consider the second highest court in our land.

He has extensive appellate experience and is widely regarded as really one of this country's best appellate lawyers. He has argued 15 cases before the U.S. Supreme Court.

If we look at the background and the strong support and experience that he is bringing to this position, he graduated magna cum laude from Columbia, something that is a high distinction amongst any group. He also graduated magna cum laude from Harvard Law School, with a JD degree, where he was the editor of the Harvard Law Review.

After that he went on to become a clerk in the U.S. Court of Appeals in the Second Circuit and also a law clerk for justice Anthony Kennedy, no relation, on the U.S. Supreme Court. Following that, he was Assistant U.S. Attorney and Deputy Chief of the Appellate Section of the U.S. Attorney's Office in the Southern District of New York, a very highly respected district, and was Assistant to the Solicitor General of the United States under both President Clinton and under George Herbert Walker Bush. So he has had experience really working under both administrations and both sides had previously affirmed him to be a very well-qualified candidate.

So this is someone that brings some experiences that we should be very pleased to accept in this important position.

He has strong support among the Latino community. I know Robert Deposada, who I had the opportunity to be in a different event with here just recently, says of him, ''to deny Latinos, the Nation's largest minority, the opportunity to have one of their own serve on this court in our Nation's capital is unforgivable.'' I would certainly agree.

□ 2200

Mr. Speaker, there are some that would make the claim that he lacks judicial experience, but I would say five of the eight judges currently serving in the D.C. court had no previous judicial experience, including Byron White, who was nominated by President Kennedy, and our current Chief Justice Rehnquist, who had no prior judicial experience. Some would say that he has refused to provide memorandum that he provided when he was assistant Solicitor General. But I would remind everyone that that was not requested of seven previous nominees to the court of appeals that had worked in the Solicitor General's office, and every living former Solicitor General, Democrat or Republican, has signed a joint letter to the committee stating that this request would be debilitating on the ability of the Justice Department to represent the United States before the Supreme Court.

So this is a justice and someone who brings unbelievable experience to our courts, someone who we should reach out and welcome, and I certainly am pleased to have the opportunity to join the many colleagues that have been on this floor here earlier today to speak on his behalf, and I would urge all of my colleagues to do so.

RECESS

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 1 minute p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

645. A letter from the Secretary, Department of Housing and Urban Development, transmitting a report of a violation of the Antideficiency Act and the Office of Management and Budget Circular A–11, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

646. A letter from the Under Secretary, Department of Defense, transmitting notification regarding the Department's report for purchases from foreign entities for Fiscal Year 2002, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

647. A letter from the Secretary of the Navy, Department of Defense, transmitting notification regarding the discontinuation of training at the Vieques Naval Training Range; to the Committee on Armed Services.

648. A letter from the Acting Program Manager, Pentagon Renovation Program, Department of Defense, transmitting the twelth Annual Report on the renovation of the Pentagon; to the Committee on Armed Services.

649. A letter from the Under Secretary, Department of Defense, transmitting the Department's report entitled, ''Overseas Commissaries and Exchange Stores—Access and Purchase Restrictions,'' as required by Section 2492 of Title 10, United States Code; to the Committee on Armed Services.

650. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Conditions for Use of NON–GAAP Financial Measures [Release No. 33–8176; 34–47226; FR–65; File No. S7–43–02] (RIN: 3235–A169) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

651. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Transactions of Investment Companies with Portfolio and Subadviser Affiliates [Release No. IC–25888; File No. S7–13–02] (RIN: 3235–AI28) received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

652. A letter from the Chief Counsel, Office of Foreign Assets, Department of the Treasury, transmitting the Department's final rule—Reporting and Procedures Regulations; Cuban Assets Control Regulations: Publication of Economic Sanctions Enforcemernt Guidelines—received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

653. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department intends to consent to a request by the Government of Germany for a transfer of articles; to the Committee on International Relations.

654. A letter from the Director, Office of Personnel Management, President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform.

655. A letter from the Auditor, District of Columbia, transmitting a report entitled, ''Certification of the Fiscal Year 2003 Revenue Estimate in Support of the District's $374,200,000 Multimodal General Obligation Bonds (Series 2002A and 2002B),'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

656. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Annual Report on Commercial Activities; to the Committee on Government Reform.

657. A letter from the Inspector General, Department of Housing and Urban Development, transmitting the Department's inventory of activities as required by OMB Circular A–76 and the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

658. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's FY 2002 Commercial Activities Inventory; to the Committee on Government Reform.

659. A letter from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting the FY 2002 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

660. A letter from the Executive Director, Federal Mine Safety and Health Review Commission, transmitting the Commission's inventory of activities prepared pursuant to the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

661. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the consolidated annual reports under the Federal Managers Financial Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

662. A letter from the Chairman, National Mediation Board, transmitting the FY 2002 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

663. A letter from the Director, Office of Personnel Management, transmitting the Office's strategic plan for fiscal years 2002 through 2007; to the Committee on Government Reform.

664. A letter from the Director, Office of Personnel Management, transmitting the FY 2002 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

665. A letter from the Under Secretary and Director, United States Patent and Trademark Office, transmitting the Office's FY 2002 annual report on management of commercial activities; to the Committee on Government Reform.

666. A letter from the Chairman, United States Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

667. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries [Docket No. 011219306–2283–02; I.D. 110501A] (RIN: 0648–AM44) received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

668. A letter from the Secretary, Judicial Conference of the United States, transmitting the fifth Judicial Conference Report on the Continuing Need for Existing Bankruptcy Judgeships, pursuant to 28 U.S.C. 152(b)(2); to the Committee on the Judiciary.

669. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Equivalent Safety Provisions for Fuel Tank System Fault Tolerance Evaluations (SFAR 88) [Docket No. FAA–1999–6411; Amendment No. 21–82] (RIN: 2120–AH85) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

670. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port of Palm Beach, Palm Beach, FL; Port Everglades, Fort Lauderdale, FL; Port of Miami, Miami, FL; and Port of Key West, Key West, FL [COTP Miami 02–156] (RIN: 2115–AA97) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

671. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters [CGD05–02–102] (RIN: 2115–AE84) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

672. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters [CGD05–02–103] (RIN: 211 5–AE84) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

673. A letter from the Secretary, Department of Labor, transmitting the Department's ninth report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 2000 to 2001, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

674. A letter from the Secretary, Department of Commerce, transmitting a report on the executive branch strategy regarding WTO dispute settlement panels and the appellate body; to the Committee on Ways and Means.

675. A letter from the Chief, Regulations Unit, Interal Revenue Service, transmitting the Service's final rule—Disclosure of Return Information to the Bureau of the Census [TD 9037] (RIN: 1545–AY52) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

676. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Offshore Voluntary Compliance Iniative (Rev. Proc. 2003–11) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

677. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Incoming Housing Credit (Rev. Rul. 2003–2) received January 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

678. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of Early Retirement Benefit and Retirement-Type Subsidy [Notice 2003–10] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

679. A letter from the Acting General Counsel, Office of Compliance, transmitting a Report on Inspections for Compliance with the Public Access Provisions of the Americans with Disabilities Act Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104—1, section 210(f) (109 Stat. 15); jointly to the Committees on House Administration and Education and the Workforce.

680. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Hospital Conditions of Participation: Quality Assessment and Performance Improvement (RIN: 0938–AK40) received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

N O T I C E

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.