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Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
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Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
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Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klecza
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larsen (CT)
Latham
Leach
Lee
Levin
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
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
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
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
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Smith (TX)
Smith (WA)
Solis
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Stark
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Stenholm
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Velazquez
Bartlett (MD)
Barton (TX)
Bass
Beauprez
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)

Houghton
Jefferson
LaTourette
Lewis (CA)
Mollohan
Oberstar
Sanders
Serrano
Snyder
Stupak
Sweeney
Terry
Vitter
Wexler

Franks (AZ)
Frelinghuysen
Frost
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Johnson, E. B.
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McCarthy (MO)
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Meehan
Meek (FL)
Meeks (NY)
Menendez
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Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
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Musgrave
Myrick
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Napolitano
Neal (MA)
Nethercutt
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Northup
Norwood
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Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
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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
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
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Spratt
Stark
Stearns
Stenholm
Strickland
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

The SPEAKER pro tempore (during the vote). The Chair would advise that there are 2 minutes left in this vote.

□ 1856

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LEGACY OF FRED ROGERS AND HIS DEDICATION TO CREATING A MORE COMPASSIONATE WORLD

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 111.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MURPHY) that the House suspend the rules and agree to the resolution, H. Res. 111, 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 412, nays 0, not voting 22, as follows:

[Roll No. 42]
YEAS—412

NOT VOTING—23
Becerra
Combest
Crowley

Dooley (CA)
Feeney
Gephardt

Graves
Gutierrez
Herger

Bradley (NH)
Brady (PA)
Brady (TX)
Cunningham
Davis (AL)
Davis (CA)

Ford
Fossella
Frank (MA)
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
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes

Becerra
Combest
Crowley
Dooley (CA)

NOT VOTING—22
Crowley
Dooley (CA)

Feeney
Gephardt

Graves	Oberstar	Sweeney
Gutierrez	Sanders	Terry
Houghton	Serrano	Vitter
Jefferson	Snyder	Wexler
LaTourette	Stupak	
Mollohan	Sullivan	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OTTER) (during the vote). The Chair reminds Members there are 2 minutes remaining in this vote.

□ 1904

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.

PERSONAL EXPLANATION

Mr. GRAVES. Mr. Speaker, my flight was inevitably delayed leading to circumstances beyond my control. Therefore I was not able to be present for the record votes on Tuesday, March 4, 2003.

Had I been present I would have voted in the affirmative for: H. Res. 106—Congratulating Lutheran schools, students, parents, teachers, administrators, and congregations across the Nation for their ongoing contributions to education, and for other purposes; H. Con. Res. 54—Honoring Visiting Nurses Association; and H. Res. 111—Honoring the legacy of Fred Rogers and his dedication to creating a more compassionate, kind, and loving world for children and adults.

MAKING IN ORDER AT ANY TIME ON WEDNESDAY, MARCH 5, 2003, CONSIDERATION OF H.J. Res. 27, COMMENDING MEMBERS OF U.S. ARMED FORCES

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time on Wednesday, March 5, 2003, to consider in the House H.J. Res. 27; that the joint resolution be considered as read for amendment; that the joint resolution be debatable for 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion.

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

There was no objection.

MAKING IN ORDER AT ANY TIME ON THURSDAY, MARCH 6, 2003, CONSIDERATION OF H.R. 13, MUSEUM AND LIBRARY SERVICES ACT OF 2003

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order on Thursday, March 6, 2003, to consider in the House H.R. 13; that the bill be considered as read for amendment; that the bill be debatable

for 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and that the previous question be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 332

Mr. BARRETT of South Carolina. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 332.

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

There was no objection.

THE BALANCE ACT OF 2003

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

Ms. LOFGREN. Mr. Speaker, a massive digital revolution is unfolding before our very eyes. Like most breakthroughs in the past, this revolution has provoked deep concern and suspicion within the entertainment industry. In response Congress enacted the Digital Millennium Copyright Act.

However, the law is flawed. It threatens fair use and First Amendment rights by imposing strict liability on the circumvention of technical restrictions. It has the potential to destroy the First Sale doctrine and to extend copyright terms in perpetuity. And in practice, it has chilled technological development and competition. That was especially evident last week when a Federal judge, citing the DMCA, issued an injunction chilling competition in the market for printer cartridges which have nothing to do with copyrights.

Today I am introducing the BALANCE Act of 2003 which seeks to restore the traditional balance of copyright law. I hope this bill will help move all parties toward the ultimate goal, a robust digital marketplace where DRM protects copyright holders, where the IT industry has freedom to create new and exciting devices and where consumers are given a broad array of lawful alternatives that are affordable, reliable, secure, and respectful of their legal rights and expectations.

A JUDGE'S OPINION

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

Mr. CARTER. Mr. Speaker, as a Texas State district judge for 20 years,

I am aware, very aware, of the attorney-client privilege. This is one privilege that has withstood the challenge of liberal courts and is broader than the fifth amendment's protection against self-incrimination.

In the case of Swendler versus U.S., the Supreme Court ruled that the attorney-client privilege is so important it extends beyond the grave. We all recall Vince Foster, Clinton's deputy chief of staff, who investigated Travelgate. After killing himself, the Republican special prosecutor sought records from his attorney but was not able to get them because the Courts ruled that the attorney-client privilege survives the client's death to promote a full and frank communication between client and counsel.

Similar records are now being sought from Miguel Estrada today, and he is being refused confirmation because of those records.

Mr. Speaker, what is wrong with this picture? In this judge's opinion, Miguel Estrada deserves to sit on the bench of the D.C. Circuit Court of Appeals and should not be kept from it because he keeps sacred one of its oldest privileges.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

TITLE IX

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

Mr. OSBORNE. Mr. Speaker, in 1972 Title IX became law. Title IX prohibits discrimination in education programs or educational activities based on gender. This has resulted in significant gains in women athletic participation. It has been a great thing for a great many people. From 1972 to 1999, there has been a tenfold increase in women's athletic participation at the high school and the college level. At the NCAA level, the increase was from 30,000 to 157,000 athletes, roughly a 500 percent increase.

However, there is another side, Mr. Speaker, to Title IX. Between 1985 and 2001, we lost 57,000 male college athletes. During that same period, we gained 52,000 female athletes at the college level, almost the same in number. Between 1992 and 1999, there were 386 men's collegiate teams that were eliminated.

□ 1915

Mr. Speaker, 171 of those were men's wrestling teams. The most common reason given for the elimination of these programs was to comply with title IX.

Recently, the Secretary of Education established a 15-member commission to