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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, FIRST SESSION

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No. 1

## House of Representatives

This being the day fixed by the 20th amendment to the Constitution of the United States and Public Law 107-328 for the meeting of the Congress of the United States, the Members-elect of the 108th Congress met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Jeff Trandahl.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord of history, our eternal God, You faithfully gather Your people in faith. You are always attentive to our prayers. The Journal of Congress records the fact that in 1774, the Reverend Duche led the Continental Congress in a prayer based on Psalm 35. Today, at the beginning of the 108th Congress, we return to the lines he quoted: "Fight, O Lord, against those who fight me; war against those who make war upon me. Take up the shield and buckler and rise up in my defense."

Lord, the ominous sound of impending violence grips the soul of this Nation today as it did at its beginnings. So be with us, Lord, as You have been throughout our history, both in times of war and in times of peace.

But the martial imagery does not narrow our gaze today only on battlefields and armaments. For our battle is against all forms of evil and any injustice. With the psalmist may the new Congress pray that truth will always uncover falsehood, and its righteous deeds will destroy cynicism. Knowing our enemy is anyone who denies God-given human rights, may the Members of this government, their families and staffs be committed to bring peace and unity to others as Your servants now and forever. Amen.

### PLEDGE OF ALLEGIANCE

The CLERK. The Members-elect and their guests will please remain standing and join in the Pledge of Allegiance to the flag.

The Clerk 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 CLERK. Representatives-elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 107-328 for the meeting of the 108th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 434 seats in the 108th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Clerk lays before the House a facsimile of a communication from the Chief Election Officer of the State of Hawaii.

JANUARY 5, 2003.

Hon. JEFF TRANDAH, *Clerk, House of Representatives, Washington, DC.*

DEAR MR. TRANDAH: This is to advise you that the unofficial results of the Special Election held on Saturday, January 4, 2003 for Representative in Congress from the Second Congressional District of Hawaii show that Ed Case (D) received 33,002 of votes of the total number cast for that office.

It would appear from the unofficial results that Ed Case (D) was elected Representative from the Second Congressional District of Hawaii. We are unaware of any election contest at this time.

As soon as the official results are certified, an official Certificate of Election will be transmitted as required by law.

Should you have any questions or need additional information, please contact Lori Tomczyk or myself at (808) 453-VOTE (8683).

Very truly yours,

DWAYNE D. YOSHINA,  
*Chief Election Officer.*

The CLERK. Without objection, the Representative-elect from the Second District of the State of Hawaii will be

allowed to record his presence and also to vote on the election of the Speaker.

There was no objection.

The CLERK. Without objection, the Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ANSWERED "PRESENT"—432

### ALABAMA

Aderholt	Cramer	Rogers
Bachus	Davis	
Bonner	Everett	

### ALASKA

Young (AK)

### ARIZONA

Flake	Hayworth	Renzi
Franks (AZ)	Kolbe	Shadegg
Grijalva	Pastor	

### ARKANSAS

Berry	Ross
Boozman	Snyder

### CALIFORNIA

Baca	Honda	Rohrabacher
Becerra	Hunter	Roybal-Allard
Berman	Issa	Royce
Bono	Lantos	Sanchez, Linda
Calvert	Lee	T.
Capps	Lewis (CA)	Sanchez, Loretta
Cardoza	Lofgren	Schiff
Cox	Matsui	Sherman
Cunningham	McKeon	Solis
Davis (CA)	Millender-	Stark
Dooley (CA)	McDonald	Tauscher
Doolittle	Miller, Gary	Thomas
Dreier	Miller, George	Thompson (CA)
Eshoo	Napolitano	Waters
Farr	Nunes	Watson
Filner	Ose	Waxman
Gallegly	Pelosi	Woolsey
Harman	Pombo	
Herger	Radanovich	

### COLORADO

Beauprez	McInnis	Udall (CO)
DeGette	Musgrave	
Hefley	Tancredo	

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

	CONNECTICUT			MISSOURI			Johnson, Sam	Reyes	Smith (TX)
DeLauro Johnson (CT)	Larson (CT) Shays	Simmons	Akin Blunt Clay	Emerson Gephardt Graves	Hulshof McCarthy (MO) Skelton	Lampson Ortiz Paul	Rodriguez Sandlin Sessions	Stenholm Thornberry Turner (TX)	
	DELAWARE			MONTANA			UTAH		
	Castle		Rehberg			Bishop (UT)	Cannon	Matheson	
	FLORIDA			NEBRASKA			VERMONT		
Bilirakis Boyd Brown, Corrine Brown-Waite, Ginny Crenshaw Davis (FL) Deutsch Diaz-Balart, Lincoln	Diaz-Balart, Mario Feeney Foley Goss Harris Hastings (FL) Keller Meek (FL) Mica	Miller (FL) Putnam Ros-Lehtinen Shaw Stearns Weldon (FL) Wexler Young (FL)	Bereuter	Osborne	Terry		Sanders		
				NEVADA			VIRGINIA		
						Boucher Cantor Davis, Jo Ann Davis, Tom	Forbes Goode Goodlatte Moran (VA)	Schrock Scott (VA) Wolf	
				NEW HAMPSHIRE			WASHINGTON		
				Bradley (NH)					
	GEORGIA			NEW JERSEY			WEST VIRGINIA		
Bishop (GA) Burns Collins Deal (GA) Gingrey	Isakson Kingston Lewis (GA) Linder Majette	Marshall Norwood Scott (GA)	Andrews Ferguson Frelinghuysen Garrett (NJ) Holt	LoBiondo Menendez Pallone Pascrell Payne	Rothman Saxton Smith (NJ)	Baird Dicks Dunn	Hastings (WA) Inslee Larsen (WA)	McDermott Nethercutt Smith (WA)	
				NEW MEXICO			WISCONSIN		
			Pearce	Udall (NM)	Wilson (NM)	Baldwin Green (WI) Kind	Kleczka Obey Petri	Ryan (WI) Sensenbrenner	
	HAWAII			NEW YORK			WYOMING		
Abercrombie	Case		Ackerman Bishop (NH) Boehlert Crowley Engel Fossella Hinchey Houghton Israel Kelly	King (NY) Lowey McCarthy (NH) McHugh McNulty Meeks (NY) Nadler Owens Quinn Rangel	Reynolds Serrano Slaughter Sweeney Townes Velazquez Walsh Weiner		Cubin		
	IDAHO						□ 1230		
Otter	Simpson								The CLERK. Four hundred thirty-two Members have recorded their presence. A quorum is present.
	ILLINOIS			NORTH CAROLINA			ANNOUNCEMENT BY THE CLERK		
Biggert Costello Crane Davis (IL) Emanuel Evans Gutierrez	Hastert Hyde Jackson (IL) Johnson (IL) Kirk LaHood Lipinski	Manzullo Rush Schakowsky Shimkus Weller		Etheridge Hayes Jones (NC) McIntyre	Miller (NC) Myrick Price (NC) Watt			The CLERK. The Clerk will state that credentials, regular in form, have been received showing the election of the Honorable ANIBAL ACEVEDO-VILA as Resident Commissioner of the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 2001; the election of the Honorable ELEANOR HOLMES NORTON as delegate from the District of Columbia; the election of the Honorable DONNA M. CHRISTENSEN as delegate of the Virgin Islands; the election of the Honorable ENI F.H. FALEOMAVAEGA as delegate from American Samoa; and the election of the Honorable MADELEINE Z. BORDALLO as delegate from Guam.	
	INDIANA			NORTH DAKOTA					
Burton Buyer Carson (IN)	Chocola Hill Hostettler	Pence Souder Visclosky		Pomeroy					
	IOWA			OHIO					
Boswell King (IA)	Latham Leach	Nussle	Boehner Brown (OH) Chabot Gillmor Hobson Jones (OH)	Kaptur Kucinich LaTourette Ney Oxley Portman	Pryce (OH) Regula Ryan (OH) Strickland Tiberi Turner (OH)				
	KANSAS			OKLAHOMA					
Moore Moran (KS)	Ryun (KS) Tiahrt			Istook Lucas (OK)	Sullivan				
	KENTUCKY			OREGON					
Fletcher Lewis (KY)	Lucas (KY) Northup	Rogers (KY) Whitfield	Carson (OK) Cole	Walden (OR) Wu					
	LOUISIANA			PENNSYLVANIA			ELECTION OF SPEAKER		
Alexander Baker Jefferson	John McCrery Tauzin	Vitter	Blumenauer DeFazio	Hoeffel Holden Kanjorski Murphy Murtha Peterson (PA) Pitts	Platts Sherwood Shuster Toomey Weldon (PA)			The CLERK. Pursuant to law and to precedent, the next order of business is the election of the Speaker of the House of Representatives for the 108th Congress.	
	MAINE						Nominations are now in order.		
Allen	Michaud		Brady (PA) Doyle English Fattah Gerlach Greenwood Hart					The Clerk recognizes the gentlewoman from Ohio (Ms. PRYCE).	
Bartlett (MD) Cardin Cummings	Gilchrest Hoyer Ruppersberger	Van Hollen Wynn						Ms. PRYCE of Ohio. Mr. Clerk, for 4 years we have been blessed to have an individual of fairness, honesty, and common sense lead us without regard to rank or party. During even the most difficult of times, this common man with an uncommon conviction to do what is right has risen to the task and served as the Speaker for the whole House of Representatives.	
	MASSACHUSETTS			RHODE ISLAND			Therefore, Mr. Clerk, as chairman of the House Republican Conference, I am directed by the unanimous vote of that conference, and am very honored to present for election to the Office of the Speaker of the House of Representatives of the 108th Congress of the		
Capuano Delahunt Frank (MA) Lynch	Markey McGovern Meehan Neal (MA)	Oliver Tierney	Kennedy (RI)	Langevin					
				SOUTH CAROLINA					
			Barrett (SC) Brown (SC)	Clyburn DeMint	Spratt Wilson (SC)				
	MICHIGAN			SOUTH DAKOTA					
Camp Conyers Dingell Ehlers Hoekstra	Kildee Kilpatrick Knollenberg Levin McCotter	Miller (MI) Rogers (MI) Smith (MI) Stupak Upton	Blackburn Cooper Davis (TN)	Janklow					
				TENNESSEE					
				Duncan Ford Gordon	Jenkins Tanner Wamp				
	MINNESOTA			TEXAS					
Gutknecht Kennedy (MN) Kline	McCollum Oberstar Peterson (MN)	Ramstad Sabo	Barton (TX) Bell Bonilla Brady (TX) Burgess Carter Combest	Culberson DeLay Doggett Edwards Frost Gonzalez Granger	Green (TX) Hall Hensarling Hinojosa Jackson-Lee (TX) Johnson, E.B.				
	MISSISSIPPI								
Pickering Taylor (MS)	Thompson (MS) Wicker								

□ 1230

United States of America, the name of the Honorable J. DENNIS HASTERT, a representative-elect from the State of Illinois.

The CLERK. The Chair now recognizes the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Clerk, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of the Speaker of the House of Representatives for the 108th Congress an incredibly talented Member of the Democratic Caucus and, for the first time in history, the name of a woman, the name of the Honorable NANCY PELOSI, a representative-elect from the State of California.

The CLERK. The Honorable J. DENNIS HASTERT, a representative-elect from the State of Illinois, and the Honorable NANCY PELOSI, a representative-elect from the State of California, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Clerk appoints the gentleman from Ohio (Mr. NEY), the gentlewoman from California (Ms. WATERS), the gentlewoman from Connecticut (Mrs. JOHNSON), and the gentleman from Texas (Mr. RODRIGUEZ).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2]

HASTERT—228

Aderholt	Cannon	Feeney
Akin	Cantor	Ferguson
Bachus	Capito	Flake
Baker	Carter	Fletcher
Ballenger	Castle	Foley
Barrett (SC)	Chabot	Forbes
Bartlett (MD)	Chocola	Fossella
Barton (TX)	Coble	Franks (AZ)
Bass	Cole	Frelinghuysen
Beauprez	Collins	Galleghy
Bereuter	Combest	Garrett (NJ)
Biggart	Cox	Gerlach
Bilirakis	Crane	Gibbons
Bishop (UT)	Crenshaw	Gilchrest
Blackburn	Cubin	Gillmor
Blunt	Culberson	Gingrey
Boehlert	Cunningham	Goode
Boehner	Davis, Jo Ann	Goodlatte
Bonilla	Davis, Tom	Goss
Bonner	Deal (GA)	Granger
Bono	DeLay	Graves
Boozman	DeMint	Green (WI)
Bradley (NH)	Diaz-Balart,	Greenwood
Brady (TX)	Lincoln	Gutknecht
Brown (SC)	Diaz-Balart,	Harris
Brown-Waite,	Mario	Hart
Ginny	Doolittle	Hastings (WA)
Burgess	Dreier	Hayes
Burns	Duncan	Hayworth
Burr	Dunn	Hefley
Burton (IN)	Ehlers	Hensarling
Buyer	Emerson	Herger
Calvert	English	Hobson
Camp	Everett	Hoekstra

Hostettler	Moran (KS)	Schrock
Houghton	Murphy	Sensenbrenner
Hulshof	Musgrave	Sessions
Hunter	Myrick	Shadegg
Hyde	Nethercutt	Shaw
Isakson	Ney	Shays
Issa	Northup	Sherwood
Istook	Norwood	Shimkus
Janklow	Nunes	Shuster
Jenkins	Nussle	Simmons
Johnson (CT)	Osborne	Simpson
Johnson (IL)	Ose	Smith (MI)
Johnson, Sam	Otter	Smith (NJ)
Jones (NC)	Oxley	Smith (TX)
Keller	Paul	Souder
Kelly	Pearce	Stearns
Kennedy (MN)	Pence	Sullivan
King (IA)	Peterson (PA)	Sweeney
King (NY)	Petri	Tancredo
Kingston	Pickering	Tauzin
Kirk	Pitts	Taylor (NC)
Kline	Platts	Terry
Knollenberg	Pombo	Thomas
Kolbe	Porter	Thornberry
LaHood	Portman	Tiahrt
Latham	Pryce (OH)	Tiberi
LaTourette	Putnam	Toomey
Leach	Quinn	Turner (OH)
Lewis (CA)	Radanovich	Upton
Lewis (KY)	Ramstad	Vitter
Linder	Regula	Walden (OR)
LoBiondo	Rehberg	Walsh
Lucas (OK)	Renzi	Wamp
Manzullo	Reynolds	Weldon (FL)
McCotter	Rogers (AL)	Weldon (PA)
McCrery	Rogers (KY)	Weller
McHugh	Rogers (MI)	Whitfield
McInnis	Rohrabacher	Wicker
McKeon	Ros-Lehtinen	Wilson (NM)
Mica	Royce	Wilson (SC)
Miller (FL)	Ryan (WI)	Wolf
Miller (MI)	Ryun (KS)	Young (AK)
Miller, Gary	Saxton	Young (FL)

PELOSI—201

Abercrombie	Emanuel	Lowey
Ackerman	Engel	Lynch
Alexander	Eshoo	Majette
Allen	Etheridge	Maloney
Andrews	Evans	Markey
Baca	Farr	Marshall
Baird	Fattah	Matheson
Baldwin	Filner	Matsui
Ballance	Ford	McCarthy (MO)
Becerra	Frank (MA)	McCarthy (NY)
Bell	Frost	McCollum
Berkley	Gephardt	McDermott
Berman	Gonzalez	McGovern
Berry	Gordon	McIntyre
Bishop (GA)	Green (TX)	McNulty
Bishop (NY)	Grijalva	Meehan
Blumenauer	Gutierrez	Meek (FL)
Boswell	Harman	Meeks (NY)
Boucher	Hastings (FL)	Menendez
Boyd	Hill	Michaud
Brady (PA)	Hinchev	Millender-
Brown (OH)	Hinojosa	McDonald
Brown, Corrine	Hoeffel	Miller (NC)
Capps	Holden	Miller, George
Capuano	Holt	Mollohan
Cardin	Honda	Moore
Cardoza	Hoyer	Moran (VA)
Coble	Inslee	Murtha
Carson (OK)	Israel	Nadler
Case	Jackson (IL)	Napolitano
Clay	Jackson-Lee	Neal (MA)
Clyburn	(TX)	Oberstar
Conyers	Jefferson	Obey
Cooper	John	Olver
Costello	Johnson, E. B.	Ortiz
Cramer	Jones (OH)	Owens
Crowley	Kanjorski	Pallone
Cummings	Kaptur	Pascarell
Davis (AL)	Kennedy (RI)	Pastor
Davis (CA)	Kildee	Payne
Davis (FL)	Kilpatrick	Pelosi
Davis (IL)	Kind	Peterson (MN)
Davis (TN)	Klecza	Pomeroy
DeFazio	Kucinich	Price (NC)
DeGette	Lampson	Rahall
Delahunt	Langevin	Rangel
DeLauro	Lantos	Reyes
Deutsch	Larsen (WA)	Rodriguez
Dicks	Larson (CT)	Ross
Dingell	Lee	Rothman
Doggett	Levin	Roybal-Allard
Dooley (CA)	Lewis (GA)	Ruppersberger
Doyle	Lipinski	Rush
Edwards	Lofgren	Ryan (OH)

Sabo	Smith (WA)	Udall (CO)
Sánchez, Linda	Snyder	Udall (NM)
T.	Solis	Van Hollen
Sánchez, Loretta	Spratt	Velázquez
Sanders	Stark	Visclosky
Sandlin	Strickland	Waters
Schakowsky	Stupak	Watson
Schiff	Tanner	Watt
Scott (GA)	Tauscher	Waxman
Scott (VA)	Thompson (CA)	Weiner
Serrano	Thompson (MS)	Wexler
Sherman	Tierney	Woolsey
Skelton	Towns	Wu
Slaughter	Turner (TX)	Wynn

MURTHA—1

Taylor (MS)

PRESENT—4

Hall  
Hastert

Lucas (KY)  
Stenholm

NOT VOTING—1

Hooley

□ 1330

The CLERK. The tellers agree in their tallies that the total number of votes cast is 434, of which the Honorable J. DENNIS HASTERT of the State of Illinois has received 228, the Honorable NANCY PELOSI of the State of California has received 201, the Honorable JOHN MURTHA of the State of Pennsylvania has received 1 vote, with 4 recorded as "present."

Therefore, the Honorable J. DENNIS HASTERT of the State of Illinois is duly elected Speaker of the House of Representatives for the 108th Congress, having received the majority of the votes cast.

The Clerk appoints the following committee to escort the Speaker-elect to the chair: The gentlewoman from California (Ms. PELOSI), the gentleman from Texas (Mr. DELAY), the gentleman from Missouri (Mr. BLUNT), the gentleman from Maryland (Mr. HOYER), the gentlewoman from Ohio (Ms. PRYCE), the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Illinois (Mr. CRANE), the gentleman from Illinois (Mr. HYDE), the gentleman from Illinois (Mr. EVANS), the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Illinois (Mr. COSTELLO), the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Illinois (Mr. MANZULLO), the gentleman from Illinois (Mr. RUSH), the gentleman from Illinois (Mr. LAHOOD), the gentleman from Illinois (Mr. WELLER), the gentleman from Illinois (Mr. JACKSON), the gentleman from Illinois (Mr. DAVIS), the gentleman from Illinois (Mr. SHIMKUS), the gentlewoman from Illinois (Mrs. BIGGERT), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Illinois (Mr. JOHNSON), the gentleman from Illinois (Mr. KIRK), the gentleman from Illinois (Mr. EMANUEL).

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Sergeant at Arms announced the Speaker-elect of the House of Representatives of the 108th Congress, who was escorted to the chair by the Committee of escort.

□ 1345

Ms. PELOSI. First, congratulations to each and every Member of this

House on your swearing-in to the 108th Congress which is about to occur. A special congratulations and welcome to the freshmen to the Capitol and certainly to their families and friends. Let us all welcome our freshmen Members.

Let me also thank my Democratic colleagues. I am humbled by the honor they have bestowed upon me to become the House Democratic leader. I know that I speak for all of us when I express profound gratitude to our esteemed colleague, the gentleman from Missouri (Mr. GEPHARDT). We thank the gentleman for his unwavering service to this institution and to our country. It is a great honor to follow in his footsteps.

And to my family, my dear husband, Paul, our five children, and our five grandchildren, and to my D'Alesandro family, I thank them very much for the love, support, encouragement, and joy that they have given me.

Because of you, and the people of San Francisco, whom I am honored to serve, I had the unprecedented privilege today to have my name placed in nomination as the first woman ever to do so in the history of the House of Representatives.

I am grateful to my colleagues for the confidence and proud of my party for breaking down another barrier and leading America closer to the ideal of equality that is both our heritage and our hope.

We serve in the people's House; and today, I want to pay tribute to the American people. It is their greatness, their fair-mindedness, their commitment to family, their willingness to hope and dream that sustain our country.

I especially wish to acknowledge the men and women in uniform whose courage keeps our country free and safe and makes it possible for us to strive for peace on Earth and goodwill toward mankind.

For more than 214 years, the American people have issued a most awesome challenge to those of us in Congress. Debate, the American people tell us when they send us here, debate the great issues of our Nation. Decide matters of war and peace. Fashion laws and policies that will make our economy sound, our institutions fair, our society just, our environment protected, our people educated and healthy, our religions and beliefs free from constraint, and our homeland secure from terror.

Debate policies, the American people tell us, which will ensure peace and justice throughout the world, comfort the afflicted, give voice to the oppressed, and make the future brighter for our children.

Today I speak as the leader of the minority in a closely divided House of Representatives. We are on different sides of the aisle, but we have shared oath and a greater obligation to serve our country together, both to find common ground wherever we can and to stand our ground wherever we must to be true to the people we represent.

My colleagues, I commit to all of you and to the American people that our party will always stand for the principles in which we believe, for I believe those principles represent the mainstream beliefs of our Nation: fairness, opportunity, patriotism, community, equal rights and a strong America, safe and prosperous at home, and committed abroad to a more secure and just world, free from the fear of terrorism.

So in that spirit, I ask the majority in this House and the administration to join us in a new spirit to get our economy moving again in a way that helps working families. I ask that you join us in creating jobs and providing access to quality health care for America's families, including a prescription drug coverage for our seniors.

I ask that, after having passed the Leave No Child Behind Act, we act now to pledge to put our children first and fully fund their education.

Finally and fundamentally, on the great and fateful issues we have all faced as Americans, especially since September 11, let me pledge for my party our absolute commitment to our national security, to winning the battle against terrorism and countering the threat of weapons of mass destruction.

At times, we will have to debate on how best to provide for the common defense. That debate is not only right and necessary, it is at the heart of our democracy. But let there be no doubt, in our commitment to the strength and safety of America, there are no Democrats, there are no Republicans. Together, as Americans, we must and will prevail.

We have great and grave issues to decide, as fateful as any faced by any of the 107 Congresses before us. So let us reach across party lines as we stand for principle, and let this be our own test, to advance and defend what is best for America.

Now it is my privilege to present the Speaker of the House with my hardest congratulations. Mr. Speaker, I hope in the next Congress our roles will be reversed, and you will have this wonderful privilege of presenting the gavel.

In introducing our Speaker, let me first pay tribute to his skill, his decency and his integrity. We all hold the title of "honorable" by virtue of the office we hold; DENNIS HASTERT holds the title of "honorable" by virtue of his character. He is a man of honor.

It is my privilege, colleagues, to present the Speaker of the House for the 108th Congress, the gentleman from Illinois (Mr. HASTERT).

THE SPEAKER. I want to thank the gentlewoman from California (Ms. PELOSI) for her gracious remarks, and I want to congratulate her for her historic achievement. NANCY PELOSI is the first woman in our Nation's history to be nominated to be Speaker of the House of Representatives. Now that this glass ceiling has been broken, I trust she will not be the last.

NANCY PELOSI is not the only woman to make history today. The gentlewoman from Ohio (Ms. PRYCE) today becomes the first woman to chair the House Republican Conference. I want to congratulate her as well.

I think it is altogether appropriate to note the history these two outstanding representatives have made today. We are a better country because of the active political participation of millions of American women, in this House and in elected positions all across this Nation.

We have 63 women Members in the House today. They represent millions of American. They fight hard for their constituents, and they serve with distinction.

Let me say to my good friend, the gentlewoman from California (Ms. PELOSI), as I welcome her to her new post as minority leader, we are going to have our fair share of disagreements. That is the nature of our two-party system. But together we must always find ways to make America a better and a more secure place to live.

My door will always be open as we work together in this 108th Congress. To all Members of this House, I say thank you for giving me the great honor to serve once again as your Speaker.

As we stand here today, we leave behind the work of the historic 107th Congress. Some of the achievements of the 107th Congress were planned, others were thrust upon us by events. We enacted landmark education reform, far-reaching election reform, and we have completed work on the most significant tax relief in a generation.

But we are also confronted by the most brutal, the senseless, and most tragic attack on our citizens in our Nation's history. The events of September 11, 2001, which we recalled in a historic commemorative session in New York City last fall, are still very much in our thoughts and in our prayers.

We ache for those we lost at the World Trade Towers and the Pentagon, and we give quiet thanks to those brave passengers on United Flight 93 who stopped the terrorists from crashing another plane into Washington, D.C. We sit in this Chamber knowing that it may very well have been the target for that ill-fated flight.

Just a few steps from here, on the central steps of this Capitol building, we stood together on September 11, Republicans and Democrats. We stood shoulder to shoulder representing one Nation, under God, indivisible, and pledged to fight those who would threaten our freedom.

□ 1400

In this room, just a few days later, our President called us to action. And act we did to give the President the tools he needed to fight those who engage in terrorism and those who harbor them.

Friends, our fellow Americans know that we are still engaged in that struggle today. Like generations before,

they know that freedom comes with a price. As we begin this new Congress, I want to say to the American people, we will keep that commitment we made on the steps of this Capitol on September 11, 2001. This Congress will do everything in its power to provide for the security of the American people. We are determined that it shall never happen here again.

The Members of this House who are returning can be proud of the legislation we passed to create a Department of Homeland Security, the most significant restructuring of the Federal Government in the last 50 years. It will help make this Nation more secure.

But the 108th Congress must build on the work of the last Congress. Having given birth to this new department, we must now nurture it and, with the leadership of our President, guide it to successful maturity. And as we build on the achievements of the 107th Congress, we must not forget the legacy of three leaders, two who decided to make the 107th Congress their last, and another who chose to step down from his leadership post as he considers other opportunities for public service.

Dick Armey and DICK GEPHARDT differed in many ways. The former majority leader and the former minority leader were often at odds on tax policy, debated vigorously on social policy, and presented competing visions for America. But they both loved this House, and they both loved the St. Louis Rams. Their leadership, along with that of J.C. Watts, will be missed in this House, and I wish them the best in their new endeavors.

As we start the 108th Congress, we welcome 54 new Members of the House. I have had a chance to meet almost all of them, and I am impressed by their experience, by their expertise and by their energy. The other body also welcomes 10 new Senators, including several of our former colleagues.

As I begin my third term as Speaker of the House, and ninth term as a Member of Congress representing the voters of the 14th District of Illinois, I want to thank my constituents for honoring me with their trust. My district stretches from the far suburbs of Chicago, through the Fox River Valley, to the great Mississippi River. It includes suburbs, small towns and flowing fields of corn and soybeans. It is the heartland of America. I am particularly proud that it includes Dixon, Illinois, the boyhood home of one of the giants of the 20th century, President Ronald Reagan.

As you all know, I go home as often as possible, because it is there that I get a dose of reality. It is usually my wife Jean who provides that dose of reality. Thank you, Jean, for all of your love, your support and your patience.

I believe that to be a good Speaker of the House, you also must be a good listener. I pledge to you that I will continue to open my door to listen to your concerns and to do my best to do the will of this House. And as we start the

108th Congress, we must all begin by listening to America, to the men and women who sent us here.

What is it that concerns our citizens? First and foremost, they want us to make this Nation more secure. Terrorists threaten our American homeland. This Capitol building and the buildings where our fellow Americans work and live and worship are all on the front lines of this new war. Now that we have a Department of Homeland Security, we in the Congress have a duty to make sure it works as it was designed to work. It must protect our citizens without invading their privacy unnecessarily. It must make our government more effective in fighting terrorism without making our government too big. And it must do its work efficiently, without compromising workers' rights.

Later on today, we will vote to create a Select Committee on Homeland Security. Members of this select committee will oversee the creation of the Department of Homeland Security to make certain that the executive branch is carrying out the will of the Congress. This select committee will be our eyes and our ears as this critical department is organized. The standing committees of the House will maintain their jurisdictions and will still have authorization and oversight responsibilities. This House needs to adapt to the largest reorganization of our executive branch in 50 years, and this select committee will help us make this transition.

As we protect our citizens, we must also support our Armed Forces as they fight the terrorists and the terrorist states that protect them. Giving our Armed Forces and intelligence services the resources they need to get the job done will be a top priority of this House.

As we work to make American families more secure, we also need to improve our Nation's economy. Without a sound economy that creates jobs, no family really feels secure. In too many pockets of our Nation, the economy stumbles along. This week, this House, as we did in the waning hours of the 107th Congress, will address an immediate need by passing an extension of unemployment benefits.

But we all know that unemployment benefits are no substitute for a permanent job. We must ask ourselves, what can we do to improve our economic growth and create jobs? First, we can lower the tax burden on small businesses so that they can hire more workers. Eighty percent of all the jobs in my district, and I suspect many of yours, are created by small and medium-sized businesses. Let us do something to help the job creators.

Second, we can increase export opportunities with the rest of the world. Last year we passed trade promotion authority. This year we need to promote more trade and, yes, fair trade.

Third, we can cut the cost of government, of regulations, and of litigation,

which too often strangles business creation and puts an undue burden on our consumers.

Fourth, we can make the President's tax cuts permanent. What sense does it make to phase out the unfair death tax over 8 years only to have it come back to life in year 9? And we have to look at longer term reform of our Tax Code. Our Tax Code should help us compete on the world stage. But does it help or actually hurt job creation? Would it not make sense to make our Tax Code simpler, smarter and less burdensome?

As we work to make the economy stronger, we must also work to make our health care system better. We face a health care crisis in this country. Forty-four million Americans are uninsured. Prescription drug costs are too high. Health care costs continue to skyrocket. We need to address all of these issues, and we need to do it quickly. No senior citizen should be forced to choose between putting food on the table or purchasing lifesaving prescription drugs. No small business mom and pop operation should have to risk going without health insurance for their children because the cost is too high. No baby boomer should be forced to face bankruptcy just because she gets sick. Our health care system is the best in the world. But it could be even better and more accessible to everyone. We have the resources, we have the talent, and we have the know-how. Now let us have the right laws to allow for an even better system.

Finally, last year we passed landmark education reform. The Leave No Child Behind Act was a good start to making our public schools the best in the world. But we still have much work to do. I taught at a public high school for 16 years. My wife taught public grade school for over 30 years. I know how tough, yet how rewarding teaching can be. There is no more noble profession than being a teacher. There is no better investment in the future of our Nation than education. Yet far too often our schools are not as good as they ought to be. Let us work together, as Republicans and Democrats, to improve our schools and support our teachers.

On this historic day, my mind turns to our most sacred political document, our Constitution. It is here that we, the Congress of the United States, are charged with a simple task: establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. Never has that mission seemed so important and never has it seemed to be more threatened.

My colleagues, we have a sacred duty to perform. As the elected representatives of the American people, we must, along with our President, shoulder a great burden of responsibility. Today, we are jubilant in our celebration, and rightfully so. Enjoy this day with your family and your friends. But come back tomorrow with your sleeves rolled up,

because the task ahead is great and leadership is hard, steady work. You will be called upon to make many decisions over the next 2 years. Many will impact the economic well-being of your fellow Americans. Some may cause you to send our youth into harm's way. There is no textbook for how to do your job. Each of you must find your own way. Start by doing your job to the best of your ability. Represent your constituents with the noblest of motives. And always be true to the democratic values of this great institution. Let us be respectful of those with whom we disagree and make an effort to find the common ground. Let us keep before us our common goal, to make this Nation safer and more secure for all Americans and a better place to pass on to our children and our grandchildren when our work here is done.

As we begin this new 108th Congress, let us be mindful of our Creator and of His plans for this great country. May God bless this House of Representatives.

□ 1415

I recognize my good friend and colleague, the dean of the House of Representatives, the gentleman from Michigan (Mr. DINGELL); and he will administer the oath of the office of the Speaker.

Mr. DINGELL then administered the oath of office to Mr. HASTERT of Illinois, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office upon which you are about to enter. So help you God.

Mr. DINGELL. Congratulations.  
(Applause, the Members rising.)

#### SWEARING IN OF MEMBERS

The SPEAKER. According to the precedents, the Chair will swear in all Members of the House at this time.

If the Members will rise, the Chair will now administer the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now Members of the 108th Congress.

#### MAJORITY LEADER

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as their majority leader the gentleman from Texas, the Honorable TOM DELAY.

#### MINORITY LEADER

Mr. MENENDEZ. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that Democratic Members have selected as minority leader the gentleman from California, the Honorable NANCY PELOSI.

#### MAJORITY WHIP

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as majority whip the gentleman from Missouri, the Honorable ROY BLUNT.

#### MINORITY WHIP

Mr. MENENDEZ. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have elected as minority whip the gentleman from Maryland, Mr. HOYER.

#### ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, CHIEF ADMINISTRATIVE OFFICER, AND CHAPLAIN

Ms. PRYCE of Ohio. Mr. Speaker, I offer a privileged resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 1

*Resolved*, That Jeffery J. Trandahl of the State of South Dakota, be, and is hereby, chosen Clerk of the House of Representatives;

That Wilson S. Livingood of the Commonwealth of Virginia, be, and is hereby, chosen Sergeant at Arms of the House of Representatives;

That James M. Eagen, III, of the Commonwealth of Pennsylvania, be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

Mr. MENENDEZ. Mr. Speaker, I have an amendment to the resolution; but before offering the amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

#### AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Speaker, I offer an amendment to the remainder of the resolution offered by the gentlewoman from Ohio (Ms. PRYCE).

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ:

For the Remainder of the House Resolution 1

That George Crawford of the state of California be, and is hereby, chosen Clerk of the House of Representatives;

That Lorraine Miller of the state of Texas be, and is hereby, chosen Sergeant-at-Arms of the House of Representatives; and

That Cecile Richards of the state of Texas be, and is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentlewoman from Ohio (Ms. PRYCE).

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair will now swear in the officers-elect of the House. Will they please come forward.

The officers-elect presented themselves at the bar of the House and took the oath of office as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take the obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office for which you are about to enter. So help you God.

The SPEAKER. Congratulations.

#### NOTIFICATION TO THE SENATE

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 2) to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 2

*Resolved*, That the Senate be informed that a quorum of the House of Representatives has assembled; that J. Dennis Hastert, a Representative from the state of Illinois, has been elected Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, has been elected Clerk of the House of Representatives of the One Hundred Eighth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 3) authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 3

*Resolved*, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 3

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that the Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas (Mr. DELAY) and the gentlewoman from California (Ms. PELOSI).

### AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 4) authorizing the Clerk to inform the President of the election of the Speaker and the Clerk, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 4

*Resolved*, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected J. Dennis Hastert, a Representative from the State of Illinois, Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, Clerk of the House of Representatives of the One Hundred Eighth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1430

### RULES OF THE HOUSE

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 5

*Resolved*, That the Rules of the House of Representatives of the One Hundred Seventh Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Seventh Congress, are adopted as the Rules of the House of Representatives of the One Hundred Eighth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3 and 4.

#### SEC. 2. CHANGES IN STANDING RULES.—

(a) MEMBERS TO ACT AS SPEAKER PRO TEMPORE.—In clause 8(b) of rule I, add at the end the following new subparagraph:

“(3)(A) In the case of a vacancy in the office of Speaker, the next Member on the list described in subdivision (B) shall act as Speaker pro tempore until the election of a Speaker or a Speaker pro tempore. Pending such election the Member acting as Speaker pro tempore may exercise such authorities of the Office of Speaker as may be necessary and appropriate to that end.

“(B) As soon as practicable after his election and whenever he deems appropriate thereafter, the Speaker shall deliver to the Clerk a list of Members in the order in which each shall act as Speaker pro tempore under subdivision (A).

“(C) For purposes of subdivision (A), a vacancy in the office of Speaker may exist by reason of the physical inability of the Speaker to discharge the duties of the office.”.

(b) TERM OF SPEAKER.—In rule I—

(1) strike clause 9; and

(2) redesignate clause 13 as clause 9.

(c) RECESS AND CONVENING AUTHORITIES.—In clause 12 of rule I—

(1) amend the caption to read “Recess and convening authorities”; and

(2) designate the existing text as paragraph (a) and add thereafter the following new paragraphs:

“(b) To suspend the business of the House when notified of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair.

“(c) During any recess or adjournment of not more than three days, if the Speaker is notified by the Sergeant-at-Arms of an imminent impairment of the place of reconvening at the time previously appointed, then he may, in consultation with the Minority Leader—

“(1) postpone the time for reconvening within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly; or

“(2) reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly.

“(d) The Speaker may convene the House in a place at the seat of government other than the Hall of the House whenever, in his opinion, the public interest shall warrant it.”.

(d) PRIVILEGES OF FLOOR.—In clause 2(a)(7) of rule IV, after “consideration” insert a comma followed by “and staff of the respective party leaderships when so assigned with the approval of the Speaker”.

(e) MEMBERSHIP OF BUDGET COMMITTEE.—In clause 5(a)(2) of rule X, amend subdivision (A)(i) to read as follows:

“(i) Members, Delegates, or the Resident Commissioner who are members of other standing committees, including five from the Committee on Appropriations, five from the Committee on Ways and Means, and one from the Committee on Rules;”.

(e-1) TENURE OF CERTAIN CHAIRMEN AND RANKING MINORITY MEMBERS.—

(1) In clause 5(a)(2) of rule X, amended subdivision (C) to read as follows:

“(C) In the case of a Member, Delegate, or Resident Commissioner elected to serve as the chairman or the ranking minority member of the committee, tenure on the committee shall be limited only by paragraph (c)(2) of this clause.”.

(2) In clause 11(a)(4) of rule X, amend subdivision (B) to read as follows:

“(B) In the case of a Member, Delegate, or Resident Commissioner appointed to serve as the chairman or the ranking minority member of the select committee, tenure on the selected committee shall not be limited.”.

(f) ASSOCIATE STAFF.—In clause 9(b) of rule X—

(1) redesignate subparagraph (2) as subparagraph (2)(A);

(2) redesignate subparagraph (3) as subparagraph (2)(B);

(3) in subparagraph (2)(B), as redesignated, insert “other than the committee on Appropriations” after “a committee”; and

(4) strike subparagraph (4).

(g) POSTPONING VOTES IN COMMITTEE.—At the end of clause 2(h) of rule XI, add the following new subparagraph:

“(4)(A) Each committee may adopt a rule authorizing the chairman of a committee or subcommittee—

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

“(ii) to resume proceedings on a postponed question at any time after reasonable notice.

“(B) A rule adopted pursuant to this subparagraph shall provide that 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.”.

(h) CODIFICATION OF FREESTANDING ETHICS RULES.—In clause 3 of rule XI, add at the end the following new paragraphs:

#### “COMMITTEE AGENDAS

“(f) The committee shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

#### “COMMITTEE STAFF

“(g)(1) The committee shall adopt rules providing that—

“(A) the staff be assembled and retained as a professional, nonpartisan staff;

“(B) each member of the staff shall be professional and demonstrably qualified for the position for which he is hired;

“(C) the staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner;

“(D) no member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election;

“(E) no member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member; and

“(F) no member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

“(2) Only subdivisions (C), (E), and (F) of subparagraph (1) shall apply to shared staff.

“(3)(A) All staff members shall be appointed by an affirmative vote of a majority



of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

“(B) Subject to the approval of the Committee on House Administration, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

“(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

“(D) Outside counsel may be dismissed before the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

“(4) In addition to any other staff provided for by law, rule, or other authority, with respect to the committee, the chairman and ranking minority member each may appoint one individual as a shared staff member for his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

#### “MEETINGS AND HEARINGS

“(h)(1) The committee shall adopt rules providing that—

“(A) all meetings or hearings of the committee or any subcommittee thereof, other than any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee, shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

“(B) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

#### “PUBLIC DISCLOSURE

“(i) The committee shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

#### “REQUIREMENTS TO CONSTITUTE A COMPLAINT

“(j) The committee shall adopt rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or five legislative days, whichever is sooner, to determine whether the information meets the requirements of the rules of the committee for what constitutes a complaint.

#### “DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING PROPERLY FILED COMPLAINTS

“(k)(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to—

“(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require

action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

“(B) establish an investigative subcommittee; or

“(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

“(2) The committee shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

#### “DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING INFORMATION NOT CONSTITUTING A COMPLAINT

“(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements of the rules of the committee for what constitutes a complaint, they may—

“(1) return the information to the complainant with a statement that it fails to meet the requirements of the rules of the committee for what constitutes a complaint; or

“(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

#### “INVESTIGATIVE AND ADJUDICATORY SUBCOMMITTEE

“(m) The committee shall adopt rules providing that—

“(1)(A) an investigative subcommittee shall be composed of four Members (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee;

“(B) an adjudicatory subcommittee shall be composed of the members of the committee who did not serve on the pertinent investigative subcommittee (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee; and

“(C) notwithstanding any other provision of this clause, the chairman and ranking minority member of the committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to information before a subcommittee with which they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee;

“(2) at the time of appointment, the chairman shall designate one member of a subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member; and

“(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee,

but may not serve as non-voting, ex officio members.

#### “STANDARD OF PROOF FOR ADOPTION OF STATEMENT OF ALLEGED VIOLATION

“(n) The committee shall adopt rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the subcommittee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives, has occurred.

#### “SUBCOMMITTEE POWERS

“(o)(1) The committee shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

“(2) The committee shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation approved by an affirmative vote of a majority of the members of the committee.

“(3) The committee shall adopt rules to provide that—

“(A) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

“(B) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

#### “DUE PROCESS RIGHTS OF RESPONDENTS

“(p) The committee shall adopt rules to provide that—

“(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

“(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee are present;

“(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the rules of the committee;

“(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the



respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

“(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

“(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and his counsel to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

“(5) a respondent shall receive written notice whenever—

“(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

“(B) a complaint or allegation is transmitted to an investigative subcommittee;

“(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or

“(D) an investigative subcommittee votes to expand the scope of its investigation;

“(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

“(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

“(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

#### “COMMITTEE REPORTING REQUIREMENTS

“(q) The committee shall adopt rules to provide that—

“(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

“(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

“(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

“(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

“(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall

make the report together with respondent's views available to the public before the commencement of any sanction hearing; and

“(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

“(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.”

(i) JOINT REFERRAL.—In clause 2(c)(1) of rule XII, insert before the semicolon the following: “(except where he determines that extraordinary circumstances justify review by more than one committee as though primary)”.

(j) MACROECONOMIC ANALYSIS OF TAX PROPOSALS.—In clause 3(h) of rule XIII, strike subparagraphs (2) and (3) and insert in lieu thereof the following:

“(2)(A) it shall not be in order to consider a bill or joint resolution reported by the Committee on Ways and Means that proposes the Internal Revenue Code of 1986 unless—

“(i) the report includes a macroeconomic impact analysis;

“(ii) the report includes a statement from the Joint Committee on Internal Revenue Taxation explaining why a macroeconomic impact analysis is not calculable; or

“(iii) the chairman of the Committee on Ways and Means causes a macroeconomic impact analysis to be printed in the Congressional Record before consideration of the bill or joint resolution.

“(B) In subdivision (A), the term “macroeconomic impact analysis” means—

“(i) an estimate prepared by the Joint Committee on Internal Revenue Taxation of the changes in economic output, employment, capital stock, and tax revenues expected to result from enactment of the proposal; and

“(ii) a statement from the Joint Committee on Internal Revenue Taxation identifying the critical assumptions and the source of data underlying that estimate.”.

(k) PERSONAL ELECTRONIC EQUIPMENT ON FLOOR.—In clause 5 of rule XVII, strike “any personal” and all that following in the penultimate sentence and insert in lieu thereof “a wireless telephone or personal computer on the floor of the House.”.

(l) ACCOUNTING FOR VACANCIES.—In clause 5 of rule XX, add after paragraph (b) the following new paragraph:

“(c) Upon the death, resignation, expulsion, disqualification, or removal of a Member, the whole number of the House shall be adjusted accordingly. The Speaker shall announce the adjustment to the House. Such an announcement shall not be subject to appeal. In the case of a death, the Speaker may lay before the House such documentation from federal, state, or local officials as he deems pertinent.”.

(m) PROCEEDINGS DURING CALL OF HOUSE.—In clause 6(c) of rule XX, strike “the Speaker may entertain a motion that the House adjourn” and insert in lieu thereof “a motion that the House adjourn shall be in order”.

(n) FIVE-MINUTE VOTING IN SERIES.—In rule XX, amend clause 9 to read as follows:

“9. The Speaker may reduce to five minutes the minimum time for electronic voting on any question arising without intervening business after an electronic vote on another question if notice of possible five-minute voting for a given series of votes was issued before the proceeding electronic vote.”.

(o) CERTAIN TAX OR TARIFF PROVISIONS.—In clause 5(a) of XXI, designate the existing text as subparagraph (1) and add thereafter the following new subparagraph:

“(2) For purposes of paragraph (1), a tax or tariff measure includes an amendment proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff.”.

(p) MOTIONS TO INSTRUCT DURING CONFERENCE.—In clause 7(c)(1) of XXII, strike “20 calendar days” and insert in lieu thereof “20 calendar days and 10 legislative days”.

(q) PRACTICE OF MEDICINE.—In clause 2 of rule XXV, insert “except for the practice of medicine” after “fiduciary relationship” in both places it appears.

(r) GIFTS OF PERISHABLE FOOD.—In clause 5(a)(1)(B) of XXV before the last sentence insert the following: “The value of perishable food sent to an office shall be allocated among the individual recipients and not the Member, Delegate, or Resident Commissioner.”.

(s) CHARITY TRAVEL.—In clause 5(a)(4)(C) of XXV, insert before the period the following: “unless—

“(i) all of the net proceeds of the event are for the benefit of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

“(ii) reimbursement for the transportation and lodging in connection with the event is paid by such organization; and

“(iii) the offer of free attendance at the event is made by such organization”.

(t) PUBLIC DEBT-LIMIT LEGISLATION.—Redesignate rule XXVII as rule XXVIII and insert after rule XXVI the following new rule:

#### “RULE XXVIII

##### “STATUTORY LIMIT ON PUBLIC DEBT

“1. Upon adoption by Congress of a concurrent resolution on the budget under section 301 or 304 of the Congressional Budget Act of 1974 that sets forth, as the appropriate level of the public debt for the period to which the concurrent resolution relates, an amount that is different from the amount of the statutory limit on the public debt that otherwise would be in effect for that period, the Clerk shall prepare an engrossment of a joint resolution increasing or decreasing, as the case may be, the statutory limit on the public debt in the form prescribed in clause 2. Upon engrossment of the joint resolution, the vote by which the concurrent resolution on the budget was finally agreed to in the House shall also be considered as a vote on passage of the joint resolution in the House, and the joint resolution shall be considered as passed by the House and duly certified and examined. The engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action.

“2. The matter after the resolving clause in a joint resolution described in clause 1 shall be as follows: ‘That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof “\$\_\_\_\_\_”, with the blank being filled with a dollar limitation equal to the appropriate level of the public debt set forth pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 in the relevant concurrent resolution described in clause 1. If an adopted concurrent resolution under clause 1 sets forth different appropriate levels of the public debt for separate periods, only one engrossed joint resolution shall be prepared under clause 1; and the blank referred to in the preceding sentence shall be filled with the limitation that is to apply for each period.

“3. (a) The report of the Committee on the Budget on a concurrent resolution described

in clause 1 and the joint explanatory statement of the managers on a conference report to accompany such a concurrent resolution each shall contain a clear statement of the effect the eventual enactment of a joint resolution engrossed under this rule would have on the statutory limit on the public debt.

“(b) It shall not be in order for the House to consider a concurrent resolution described in clause 1, or a conference report thereon, unless the report of the Committee on the Budget or the joint explanatory statement of the managers complies with paragraph (a).

“4. Nothing in this rule shall be construed as limiting or otherwise affecting—

“(a) the power of the House or the Senate to consider and pass bills or joint resolutions, without regard to the procedures under clause 1, that would change the statutory limit on the public debt; or

“(b) the rights of Members, Delegates, the Resident Commissioner, or committees with respect to the introduction, consideration, and reporting of such bills or joint resolutions.

“5. In this rule the term ‘statutory limit on the public debt’ means the maximum face amount of obligations issued under authority of chapter 31 of title 31, United States Code, and obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), as determined under section 3101(b) of such title after the application of section 3101(a) of such title, that may be outstanding at any one time.”.

(1) TECHNICAL AND CODIFYING CHANGES.—

(i) In clause 2(g) of rule II—

(a) strike “do” in each place it appears and insert in lieu thereof “perform”; and

(b) strike “done” and insert in lieu thereof “performed”.

(2) In clause 1(g)(6) of rule X, strike “organization” and insert in lieu thereof “organizations”.

(3) In clause 3(a)(1)(B) of rule XIII, strike “or (4)”.

(4) In clause 3 of rule XVIII, strike “All bills” and insert in lieu thereof “All public bills”.

(5) In clause 2(a) of rule XX, strike “9 or 10” and insert in lieu thereof “8 or 9”.

(6) In clause 8 of rule XX—

(a) amend paragraph (a)(1) to read as follows:

“(a)(1) When a recorded vote is ordered, or the yeas and nays are ordered, or a vote is objected to under clause 6—

“(A) on any of the questions specified in subparagraph (2), the Speaker may postpone further proceedings to a designated place in the legislative schedule within two additional legislative days; and

“(B) on the question of agreeing to the Speaker’s approval of the Journal, the Speaker may postpone further proceedings to a designated place in the legislative schedule on that legislative day.”; and

(b) in paragraph (a)(2), strike “the” before “subparagraph (1)”.

(7) In clause 8 of rule XX—

(a) in paragraph (b) strike “in the order in which it was considered”; and

(b) in paragraph (d) strike “in the order in which they were considered”.

(8) In clause 1 of rule XXII, strike “bill or resolution” in each place it appears and insert in lieu thereof “proposition”.

(9) In clause 12(a)(2) of rule XXII, strike “by a record vote” and insert in lieu thereof “by the yeas and nays”.

### SEC. 3. SEPARATE ORDERS.—

(a) BUDGET MATTERS.—

(1) During the One Hundred Eighth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution

shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Eighth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Eighth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Eighth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2003, the provisions of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Eighth Congress has adopted such a concurrent resolution.

(B) The chairman of the Committee on the Budget (when elected) shall submit for printing in the Congressional Record—

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget;

(ii) “Accounts Identified for Advance Appropriations,” which shall be considered to be the programs, projects, activities, or accounts referred to section 301(b) of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House; and

(iii) an estimated unified surplus, which shall be considered to be the estimated unified surplus set forth in the report of the Committee on the Budget accompanying House Concurrent Resolution 353 of the One Hundred Seventh Congress referred to in section 211 of such concurrent resolution.

(C) The allocation referred to in section 231(d) of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall be considered to be the corresponding allocation among those submitted by the chairman of the Committee on the Budget under subparagraph (B)(i).

(b) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Eighth Congress—

(1) the Committee on Armed Services may have not more than six subcommittees;

(2) the Committee on International Relations may have not more than six subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) NUMBERING OF BILLS.—In the One Hundred Eighth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced during the first session.

(d) MOTIONS TO SUSPEND THE RULES.—During the first session of the One Hundred Eighth Congress, the Speaker may entertain motions that the House suspend the rules on Wednesdays through the second Wednesday in April as though under clause 1 of rule XV.

### SEC. 4. SELECT COMMITTEE ON HOMELAND SECURITY.

(a) ESTABLISHMENT; COMPOSITION; VACANCIES.—

(1) ESTABLISHMENT.—During the One Hundred Eighth Congress, there is established a Select Committee on Homeland Security.

(2) COMPOSITION.—The select committee shall be composed of Members appointed by the Speaker, including Members appointed on the recommendation of the Minority Leader. The Speaker shall designate one member as chairman. Service on the select committee shall not count against the limitations on committee service in clause 5(b)(2) of rule X.

(3) VACANCIES.—Any vacancies occurring in the membership of the select committee shall be filled in the same manner as the original appointment.

(b) JURISDICTION; FUNCTIONS.—

(1) LEGISLATIVE JURISDICTION.—The select committee may develop recommendations and report to the House by bill or otherwise on such matters that relate to the Homeland Security Act of 2002 (P.L. 107-296) as may be referred to it by the Speaker.

(2) OVERSIGHT FUNCTION.—The select committee shall review and study on the continuing basis laws, programs, and Government activities relating to homeland security.

(3) RULES STUDY.—The select committee is authorized and directed to conduct a thorough and complete study of the operation and implementation of the rules of the House, including rule X, with respect to the issue of homeland security. The select committee shall submit its recommendations regarding any changes in the rules of the House to the Committee on Rules not later than September 30, 2004.

(c) PROCEDURE.—The rules of the House applicable to the standing committees shall govern the select committee where not inconsistent with this section.

(d) FUNDING.—To enable the select committee to carry out the purposes of this resolution, the select committee may use the services of staff of the House.

(e) DISPOSITION OF RECORDS.—Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

The SPEAKER. The gentleman from Texas (Mr. DELAY) is recognized for 1 hour.

Mr. DELAY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. PELOSI) or her designee, pending which I yield myself such time as I may consume. During the consideration of the resolution, all time yielded is for debate purposes only. I ask unanimous consent that the time allocated to me be controlled by the gentleman from California (Mr. DREIER).

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. DREIER).

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

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

I want to begin by extending congratulations to the Speaker, our majority leader, our friends in the minority and all of our colleagues on their election.

The comprehensive changes that we are proposing in H. Res. 5 seek to build on the successful reform accomplishments of the last 8 years which have helped to make the House more accountable and deliberative and have strengthened our ability to govern effectively and responsibly.

As my colleagues recall, Mr. Speaker, we overhauled the committee system, made Congress compliant with anti-discrimination and workplace safety laws, opened committee meetings to the public and press, modernized the Rules of the House to make them more understandable, and cut the number of standing rules nearly in half. In the 107th Congress, we created the Committee on Financial Services, enhanced oversight planning, strengthened performance goals and objectives, and created the Department of Homeland Security.

Our continued investments in technology are transforming the culture, operations, and responsibilities of Congress in a very positive way.

With that having been said, I want to describe some of the more significant positive rules changes we are proposing to the standing rules of the House, and those are contained in section 2 of this resolution.

Section 2(A) and section 2(C), as well as section 2(L) stem from the recommendations made by the bipartisan Continuity of Congress Task Force, which was formed following the attack of September 11, 2001, which Speaker HASTERT talked about, that was co-chaired by my friend, the gentleman from Texas (Mr. FROST) and the gentleman from California (Mr. COX), and it reviewed the rules and procedures of the House to ensure that the appropriate institutional and mechanisms were in place to respond to a catastrophic event.

The first provision amends rule 1, clause 8(b) to require the Speaker to provide to the Clerk of the House a list of Members in the order in which each shall act as Speaker pro tempore in the case of a vacancy in the office of Speaker.

Section 2(C) provides new recess and convening authorities to the Speaker in the event of an imminent threat to the safety of the House by amending clause 12 of rule 1.

Finally, Mr. Speaker, section 2(L) codifies the practice of adjusting the whole number of the House upon the death, resignation, expulsion, disqualification, or removal of a Member in rule 20, clause 5.

In the 107th Congress, rule 18 was amended to allow the Chairman of the Committee of the Whole to postpone a request for a recorded vote on any amendment. This procedure has been very helpful, as my colleagues know, Mr. Speaker, in improving the management of the floor and in dealing with the challenges of our legislative schedule. In an effort to provide committees with similar management flexibility, section 2(G) proposes to amend rule 11,

clause 2(h) to allow committees to adopt a similar rule authorizing the chairman of a committee or subcommittee to postpone certain votes and resume proceedings on a postponed question after reasonable notice. An underlying proposition would remain subject to further debate or amendment to the same extent as when the question was postponed.

During the 105th Congress, Mr. Speaker, the House adopted H. Res. 168, which included both changes to the standing rules of the House and free-standing directives to the Committee on Standards of Official Conduct. For the past two Congresses, these free-standing directives have been carried forward through a separate order.

Section 2(H) codifies these directives which address committee agenda, committee staff, meetings and hearings, public disclosure, requirements to constitute a complaint, duties of the chairman and ranking member, investigative and adjudicatory subcommittees, standard of proof for adoption of statement of alleged violation, subcommittee powers, due process rights of respondents, and committee reporting requirements.

Section 2(I) permits the joint referral of measures without designation of primary jurisdiction. This change is meant only as a minor deviation from the normal requirement under the rules for the designation of one committee of primary jurisdiction and should be exercised only in extraordinary jurisdictionally deserving instances.

Mr. Speaker, in an effort to provide more realistic estimates of tax measures, section 2(J) requires the Committee on Ways and Means to include in reports on measures amending the Internal Revenue Code of 1986 an analysis by the Joint Tax Committee on the macroeconomic impact of such legislation. This is something also known, Mr. Speaker, as dynamic scoring.

Mr. Speaker, section 2(O) of the resolution expands the application of clause 5(a) of rule 21 to include as a tax or tariff measure a floor amendment limiting funds in a general appropriation bill for the administration of a tax or tariff. The intent of this rules change is to ease the burden on the maker of a point of order from having to show a necessary, certain and inevitable change in revenue collections, tax statuses, or liability as previous precedents required, to one of showing a textual relationship between the amendment and the administration of the Internal Revenue or tariff laws.

The resolution amends clause 7(c)(1) of rule 22 to permit further motions to instruct during conference to be offered after 20 calendar days, but not less than 10 legislative days. While continuing to afford a Member a timely opportunity to offer a further motion to instruct, the modification in section 2(P) provides a more realistic timetable, especially when a conference extends over a lengthy recess and is unable to meet.

Section 2(T) creates a new rule 27 which provides for the automatic House passage of a joint resolution increasing the statutory limit on the public debt when the House agrees to a budget resolution that requires such an increase. The amount of the increase in the joint resolution conforms to the level established in the budget resolution. The final House vote on the conference report on the budget resolution shall be deemed the vote on the joint resolution. The rule is similar to the former rule 23 of the 106th Congress and prior Congresses.

The resolution also makes exceptions and clarifications to rule 25, also known as the gift rule, with regard to perishable food distributed in the office and charity travel, respectively. And, for the most part, the remaining provisions of section 2 are technical, conforming, or clarifying in nature.

Mr. Speaker, section 3 of the resolution consists of "Separate Orders" which do not change any of the standing rules of the House. These are more or less housekeeping provisions which deem certain actions or waive the application of certain rules of the House.

Section 3(A) provides for the continuation of certain budget enforcement mechanisms from the 107th Congress as well as deems the provisions of the budget resolution H. Con. Res. 353 as adopted by the House in the 107th Congress shall have effect in the 108th Congress until such time as a conference report establishing a budget for the fiscal year 2004 is adopted.

Also contained in section 3(B) is a separate order providing for the limited number of exemptions to clause 5(d) of rule 10 regarding a limitation on the number of subcommittees a committee may establish. This resolution grants the Committee on Armed Services, the Committee on International Relations, and the Committee on Transportation and Infrastructure up to six subcommittees each.

Mr. Speaker, recognizing that it takes time for committees to organize and report legislation at the beginning of a new Congress, section 3(D) provides that during the first session of this 108th Congress motions to suspend the rules shall be in order on Wednesdays from the beginning of the Congress through the second Wednesday in April, as though under clause 1 of rule 15.

Mr. Speaker, section 4 of the resolution is very important and significant, and is aimed at ensuring effective oversight of a crucial national priority, and that is what was discussed in the Speaker's address to us; namely, homeland security. The security threats to our Nation are real and dangerous. Every branch of government, including the Congress, must be an integral part of the homeland security effort.

In that regard, section 4 of the resolution establishes a Select Committee on Homeland Security for the 108th Congress with both legislative and oversight responsibilities.

The select committee would have legislative jurisdiction over matters that relate to the Homeland Security Act of 2002, Public Law 107-296. As the Act is the organic statute creating the new Department of Homeland Security, it is anticipated that the select committee would be the committee of jurisdiction over bills dealing with the new Department.

Further, the select committee would have jurisdiction over legislation amending the Act such as a bill making technical corrections to that Act. In addition to the committee of primary jurisdiction, the Speaker would have the authority to refer bills to the select committee as an additional committee, either initially or sequentially. Otherwise, the existing jurisdictional rules of the House would continue to apply during the 108th Congress.

The select committee would have oversight responsibility over laws, programs, and government activities relating to homeland security and is intended to serve as the primary coordinating committee of the House.

Mr. Speaker, until the new Department of Homeland Security is up and running, it is difficult to predict how best to reflect legislative oversight and authorization functions for the Department in the House. Furthermore, during this transitional period, it is crucial that the White House and the new Department's leadership have a central point of contact with the House. This new select committee will provide this interim capacity. It will also conduct a study of the operation of the rules of the House, including possible changes in committee jurisdiction with respect to homeland security. Those recommendations would be submitted to the Committee on Rules by September 30, 2004.

At this point, Mr. Speaker, I would like to include for the RECORD a more detailed, section-by-section summary of H. Res. 5, as well as other relevant material.

#### SECTION-BY-SECTION SUMMARY

##### SECTION 1. RESOLVED CLAUSE

The rules of the House of Representatives for the 107th Congress are adopted as the rules of the House for the 108th Congress with amendments as provided in section 2, and with other orders provided in sections 3 and 4.

##### SECTION 2. CHANGES IN STANDING RULES

(a) Speaker succession. The Speaker is required to submit to the Clerk of the House a list of Members to succeed the Speaker in the event of a vacancy in the office of the Speaker until the House reconvenes in order to elect a new Speaker. [Rule I, clause 8(b)]

(b) Repeal of Speaker term limit. This provision strikes Clause 9 of Rule I, which limits a Member to no more than 4 consecutive terms as Speaker. [Rule I, clause 9]

(c) Declaration of emergency recess. The Speaker may, when notified of an imminent threat to the House's safety, declare an emergency recess subject to the call of the Chair. Allows the Speaker to accelerate or postpone the reconvening of the House in the event of an emergency. [Rule I, clause 12]

(d) Clarification of staff access to House Floor. The practice of allowing leadership

staff with Floor responsibilities access to the House Floor is codified. [Rule IV, clause 2(a)(7)]

(e) Rules Member on Budget Committee. The Committee on the Budget shall include one member of the Committee on Rules. Codifies action taken in the 108th Republican Conference organizational meeting requiring that one Member of the Rules Committee serve on the Budget Committee. [Rule X, clause 5(a)(2)]

(f) Associate and professional staff. This change clarified that the professional staff of the Appropriations Committee shall comply with the same rules regarding their duties as the professional staff of all other House committees. Further clarifies that the associate or shared staff of the Appropriations Committee are not subject to the review of the Committee on House Administration in connection with the reporting of committee expense resolutions. This change is technical in nature [Rules X, clause 9(b)]

(g) Postponing votes in committee. Committees may adopt a rule which allows the chairman of a committee or subcommittee to postpone votes on approving a measure or matter or on adopting an amendment and to resume proceedings on a postponed question at any time after reasonable notice. An underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed. [Rule XI, clause 2(h)]

(h) Incorporation of H. Res. 168 (105th) in clause 3 of Rule XI "(Committee on Standards of Official Conduct)." Over the last two consecutive Congresses the Committee on Standards of Official Conduct's operating procedure has been carried over as a separate order referencing a resolution adopted by the 105th Congress. This modification codifies the aforementioned operating procedures. [Rule XII, clause 2(c)(1)]

(i) Joint referral. Joint referral of measures without designation of primary jurisdiction will be permitted under 'exceptional circumstances.' Under this designation, the Speaker may designate more than one committee as though primary. [Rule XII, clause 2(c)(1)]

(j) Require dynamic scoring in Ways & Means reports. The Committee on Ways and Means is required to include in reports on measures amending the Internal Revenue Code of 1986 an analysis by the Joint Tax Committee on the macroeconomic impact of such legislation. The committee is not required to include such analysis if the Joint Tax Committee certifies that such analysis is not calculable. In addition, the chairman of the Ways & Means Committee may satisfy this requirement by inserting such analysis in the Congressional Record prior to the bill's consideration on the floor. [Rule XIII, clause 3(h)]

(k) Personal electronic equipment on the Floor. This provision modernizes the rules of the House to prohibit only the use of wireless telephones and personal computers on the House floor, thereby permitting the use of unobtrusive handheld electronic devices. [Rule XVII, clause 5]

(l) Accounting for vacancies. The practice of adjusting the whole number of the House in the case of vacancies in the membership is codified. [Rule XX, clause 5]

(m) Proceedings during call of House. This change clarifies that a motion to adjourn retains its normal privilege and is in order during a call of the House under clause 6 of rule XX. The former language of the rule could be interpreted to give the Speaker the discretion to entertain such motion. This change is technical in nature. [Rule XX, clause 6(c)]

(n) Five-minute voting in series. The Speaker's authority to reduce the minimum time for electronic voting following a fif-

teen-minute vote is expanded to include all succeeding votes provided no other business intervenes and notice of possible five-minute voting is given. This change is technical in nature. [Rule XX, clause 9]

(o) Prohibition on limitation amendments for the administration of taxes and tariffs and on measures restricting imports. Expands the application of clause 5(a) of rule XXI to include as a tax or tariff measure a floor amendment limiting funds in a general appropriation bill for the administration of a tax or tariff. [Rule XXI, clause 5(a)]

(p) Motions to instruct during conference. Permits further motions to instruct to be offered after 20 calendar days, but not less than 10 legislative days. [Rule XXII, clause 7(c)(1)]

(q) Fiduciary relationship exemption for physicians. Redefines a fiduciary relationship as not including "the practice of medicine," thereby allowing dentists and physicians to earn outside income up to \$22,500. [Rule XXV, clause 2]

(r) Perishable food as gift. Provides that the value of perishable food sent as a gift to an office shall be allocated among the individual receipts and not to the Member. [Rule XXV, clause 5(a)(1)(B)]

(s) Gift ban exemption for charity travel. Clarifies the gift ban to allow Members to be reimbursed for travel and lodging expenses by a charity organization, in cases where the net proceeds of the event go to a qualified charity, and the invitation is issued by the charity. [Rule XXV, clause 5(a)(4)(C)]

(t) Statutory limit on public debt. (reinstates "Gephardt Rule", former Rule XXIII of the 106th Congress.) Provides for automatic House passage of joint resolution increasing the statutory limit on the public debt when the House agrees to a budget resolution that requires such an increase. The amount of the increase in the joint resolution conforms to the level established in the budget resolution. The final House vote on the budget resolution shall be deemed the vote on the joint resolution. [New Rule XXVII, former Rule XXVII redesignated as Rule XXVIII]

(u) Technical corrections. Technical and grammatical changes are made throughout the rules of the House, including those correcting changes that were made as a result of the recodification of the House rules.

#### SECTION 3. SEPARATE ORDERS

(a)(1)-(a)(3) Continuation of budget enforcement mechanisms from the 107th. This order clarifies that section 306 of the Budget Act (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee) only applies to bills and joint resolutions and not to simple and concurrent resolutions. It also makes a Section 303 point of order (requiring adoption of budget resolution before consideration of budget-related legislation) applicable to text made in order as original bill by a special rule. Specified or minimum levels of compensation will not be considered as providing new entitlement authority.

(a)(4) Continuation of budget "deeming" resolution from the 2nd Session of the 107th Congress. This order establishes that the provisions of House Concurrent Resolution 353 as adopted by the House in the 107th Congress, shall have effect in the 108th Congress until such time as a conference report establishing a budget for the fiscal year 2004 is adopted.

(b) Extra subcommittees for Armed Services, International Relations, and Transportation & Infrastructure. A waiver of Rule X, clause 5(d), is granted for International Relations, Transportation & Infrastructure, and Armed Services for 6 subcommittees in the 108th Congress.

(e) Numbering of bills. In the 108th Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced during the first session.

(d) Wednesday suspension day. During the first session of the 108th Congress, motions to suspend the rules shall be in order on Wednesdays through the second Wednesday in April.

#### SECTION 4. SELECT COMMITTEE ON HOMELAND SECURITY

This section establishes the Select Committee on Homeland Security for the 108th Congress. It establishes that the Select Committee will have legislative jurisdiction to develop recommendations and report to the House by bill or otherwise on such matters that relates to the Homeland Security Act of 12002 (P.L. 107-296).

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, we all remember how partisan, divisive and, most importantly, unproductive the last Congress was. Despite the President's campaign promise to change the tone in Washington, nothing really changed in the way Republicans ran the House of Representatives. In fact, over the past 2 years, the Republican majority had a well-established and easily documented track record of denying the minority a voice in proceedings and deliberations of the House, and that, unfortunately, played a large role in the failure of the Republican Congress to address America's critical concerns, from the economy and homeland security to health care and retirement security.

But, in the spirit of the new year, Mr. Speaker, Democrats came to the floor today hoping that Republicans might turn over a new leaf, that they might agree to a rules package to operate the House as a deliberate, democratic institution in which all points of view have a right to be heard. Unfortunately, the package before us only makes things worse, making changes that only assure that the voice of the minority will be heard less and less. For that reason, I rise in opposition to H. Res. 5. I will offer a motion to commit at the end of this debate, and I urge every Member of this body who believes that all of the American people have a right to be heard and a right to participate in a democratic, small "d", institution to vote for it.

Mr. Speaker, this is not the Politburo; this is the United States House of Representatives. It is high time that the majority remembered that very clear distinction. We are not here to raise our hands in unison; we are here to debate what is in the best interests of this country, and there are many differing views in this body about how to achieve that end. Those views should and must be heard.

Mr. Speaker, I would like to take a few minutes to explain why I and the Democratic Caucus oppose these rules changes proposed by the Republican majority. As I said, we see these changes, along with the majority's

record of stifling dissent, as counterintuitive to the notion of the democratic process. We see some of these changes as fig leaves or, as my good friend the gentleman from Wisconsin (Mr. OBEY) is often heard to say, giving Members a chance to pose for holy pictures. We see some of these changes as attempts to cover up what is really happening in terms of the Federal budget, both on the spending and tax sides. And finally, we see some of these changes as allowing Members to skirt the intent of the ethics rules in this body, something that only sullies the reputation of an honorable institution.

For example, the majority took great pains in 1995 to abolish the practice of proxy voting. I am not here to pass judgment on that old practice. I can only say that the Republican majority condemned Democrats when we held the majority for allowing Members to vote by proxy in committee. However, the Republican majority has encountered some of the same problems that made proxy voting a useful tool for committees to get their work done. Because the Republican majority has refused to negotiate committee ratios that accurately reflect and fairly reflect the numbers in this body, their Members have been spread too thin and oftentimes must choose between one committee's proceedings and another.

□ 1445

Consequently, there have been a number of markups held where Democrats have been able to pass amendments because some Republicans have voted for those amendments and because other Republican Members have been absent. The majority has decided that the best way to deal with those rare occasions in which Democrats actually win a vote is to ensure that votes cannot be taken until the Chair of the full committee or a subcommittee has all the votes in the room, somewhat akin to proxy voting.

This change proposed by the majority would allow those Chairs to postpone indefinitely votes on ordered questions. There is no definition in the rule about when votes must be called by, and there is no definition in the rule for what constitutes reasonable notice.

Frankly, Mr. Speaker, this rule is a recipe for autocracy in the committees of this body. My motion to commit will delete this provision from the package of the rules for the 108th Congress.

Secondly, the Republican majority seems intent on cooking the Federal budgetary books in so many ways that a new recipe was sure to find its way into this package, and so it has. The majority has now included a rule providing that no tax bill may be considered unless the Joint Committee on Taxation has included an analysis in the report accompanying that bill on the macroeconomic impact of such legislation. And just what is the macroeconomic impact? Why, it is nothing

more than dynamic scoring, a methodology that has been discounted and outright dismissed by any economist worth his or her salt, including the chairman of the Federal Reserve.

As Chairman Greenspan has said about dynamic scoring: "The analytical tools required to achieve it are deficient . . . no model currently in use can predict macroeconomic effects without substantial ad hoc adjustments that effectively override the internal structure of the model." In other words, Mr. Speaker, it does not work, an example of what President Bush had called "fuzzy math."

Yet, the Republican majority persists in believing that this bogus economic analysis of tax policy is real and reliable. But I would contend the only real thing that is real and reliable about dynamic scoring is that it will serve as a cover-up for the true impact of the losses of revenue to the Federal Treasury generated by tax cuts endorsed by this White House and the Republican majority. My motion to commit will delete this provision from the package of the rules of the 108th Congress.

Motions to instruct conferees have been successfully used by Democrats and, may I add, by the Republicans when they were in the minority, to fight for important issues like aviation security when otherwise denied that ability by the Republican majority. Because Democratic Members are far too often shut out of the deliberative process when a bill reaches the floor, a motion to instruct is sometimes the only way a Member might be able to bring an issue up for discussion. But the Republican majority, who did not seem particularly anxious to do much work in Washington in the past 2 years, considers these attempts to open the discussion in the House as a nuisance, rather than as a means to bring democracy back to the institution.

So Republicans have an amendment in this package that further restricts the right of any Member, Republican or Democrat, to offer a motion to instruct by requiring that in addition to the 20 calendar days from the time a conference is appointed, 10 legislative days must elapse. The new rule is so loosely drafted that it is questionable whether those 20 calendar days and 10 legislative days run concurrently or not. Either way, since this body is in session so seldom, 10 legislative days would fill up an entire month, further delaying the ability of Members to bring up legitimate issues relating to those bills submitted to conference.

Mr. Speaker, this provision is such a blatant slap in the face of the democratic process in the House of Representatives, the Republican majority should hang its collective head. For that reason, my motion to commit will strike this amendment from the rules package.

Mr. Speaker, since I have been in Congress, I have had the opportunity to serve on two special committees created for the purpose of revising and

strengthening our ethics rules and regulations. The Republican majority made much of past abuses in this body, in spite of the fact that Members on both sides of the aisle were caught in these situations. Yet, now the Republicans believe they have such a safe and secure majority for the foreseeable future, they want to undo some of the significant strides that were made by these two special committees.

The Republican majority has opened a proverbial can of worms by including several items in their package. The first might be called the "pizza rule." Because some outsiders like to provide large quantities of free food and drink to Members' offices night after night, this new Republican provision would carve out an exception to the gift rule.

We also have the "I have a second job and I want to get paid for it" rule. Members are currently prohibited from acting in certain fiduciary capacities and thus are not allowed to receive compensation for practicing a profession that offers services involving a fiduciary relationship.

Mr. Speaker, no matter how worthy a profession might be, why should we create a special exemption in the rules for the practice of medicine? If we do it for one, why not everyone? I think this House would be far better served if we just kept the rule the way it is now.

For these reasons, my motion to commit will strike the provisions in the rules package that relate to ethics rules.

My motion to commit also strikes two separate orders contained in section 3 of the resolution. The first provision I will seek to strike establishes the budget resolution adopted by the House in the second session of the 107th Congress as in effect in this Congress until such time as a conference report establishing a budget for fiscal year 2004 is passed.

Mr. Speaker, my Republican colleagues will say this will merely allow the House to finish work on the appropriations bills for fiscal year 2003. Perhaps we should have done that in the 107th Congress rather than waiting to do it in the 108th Congress, with budget numbers outdated and unrealistic given the current economic circumstances.

In addition, the appropriations number in the House-passed budget resolution of the 107th Congress is \$749 billion; yet, the Republican leadership has agreed with the White House on budget numbers exceeding that figure. In addition, the budget resolution of the second session of last Congress maintains highway numbers that are also outdated and which, frankly, are not good policy. For example, those numbers will not allow for increased highway construction money that might be prudently spent throughout the country to create jobs and restore crumbling infrastructure.

Secondly, in furtherance of the Republican majority's agenda to stifle debate by cutting debate, cutting off

amendments, and staying out of town as much as possible, this package contains a separate order that will make Wednesday a suspension day through the second Wednesday in April. Now, this order will certainly cut down on the work of the Committee on Rules, since one of our best work products has been a rule making Wednesday a suspension day. But Democrats believe that far too many bills are considered under suspension already and that the House is thus denied the opportunity to fully debate and amend legislation.

In my motion to commit, this provision would be stricken; but we have also included language that calls on the Republican majority to bring up fewer, rather than more, bills on suspension, and that no bill should be considered on suspension if it authorizes or makes appropriations in excess of \$100 million. There is ample time in our calendar to spend on the floor debating legislation. We should not be institutionalizing shortened weekdays and cutting off debate.

We have also included in the Democratic motion to commit language calling on the Republican leadership to ensure that the minority party will be able to fully participate in the legislative process. We have recommended that they strive to ensure that five "good government" ideas are followed in the House.

First, so that Members might know what they are voting on when they vote, we call on the Republican leadership to ensure that Members have conference reports available to them 3 calendar days before such a conference report is considered in the House; and at the very least, at a bare minimum, no conference report should come to the floor unless every Member has had 24 hours to review it; not exactly a revolutionary concept.

Second, we asked the Republican leadership to reduce the number of waivers contained in rules reported from the Committee on Rules. This is especially important in the consideration of bills that have been reported and that go straight to the floor. Many times, even members of the committee of jurisdiction are not sure if the bill that comes to the floor is the same bill that was reported, and it would only enhance the legislative process and democracy if Members had adequate time to review legislation.

Third, we call on the Republican leadership to allow the House to debate and amend legislation by reducing the number of important bills that are considered on the suspension calendar.

In that regard, we are, fourthly, asking that the majority ensure that more alternatives and substitutes be allowed in rules adopted by the Committee on Rules.

Finally, we ask the Republican leadership to allow more legislation to be considered on the floor under open rules so that more Democrats may offer amendments.

Finally, Mr. Speaker, Democrats must raise strong objections to the

manner in which the Republican leadership has gone about creating a Select Committee on Homeland Security. This provision was added last night with no consultation with the minority, and we believe that is no way to begin a new Congress when the issue of homeland security is one that does not belong to either party. We are all Americans here, and we should be involved in the deliberations surrounding the provisions of the Homeland Security Act.

Mr. Speaker, I know our motion to commit will not pass today; but I do believe it is important that we talk about these issues, because in the long run it is for the good of the institution. I am proud to serve here, and I am proud to represent the people of my congressional district. I think that I, along with every other Member of this body, should be able to fully participate in the process of making laws, setting policy, and determining the course of this Nation in the years to come.

While I recognize that he with the most votes wins, I also know that if someone has the most votes, they should not fear an opposing point of view. For too long the Republican Party has seemed, through their words and actions, to fear dissent among their own ranks, as well as the opposing view that may be held by the minority. We are a democracy; and we should never forget that, for in a democracy the rights of the minority are protected while at the same time advancing the will of the majority. I hope my Republican colleagues will remember that in the 108th Congress.

Mr. Speaker, I reserve the balance of my time.

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

I was inclined early on to believe that my friend, the gentleman from Texas (Mr. FROST), might be supportive of our package; but I have now come to the conclusion that he would at best be undecided on our package, and he has raised a number of questions.

I believe that I should say that we clearly plan to work in the area of homeland security with my friend, the gentleman from Texas, and other members of the minority in addressing issues of concern when we proceed with this very important work. We want to work in a bipartisan way; and I happen to believe that this package which we have come forth with will, as I said, increase the accountability and deliberative nature of the institution. I would hope that we could have both Democrats and Republicans supporting it.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I rise in opposition to the rules package before us today. While it contains several



items which I support, particularly the deeming resolution setting spending limits for the unfinished appropriation bills, the package contains two items which tilt the rules in favor of policies which will more easily send our Nation further into red ink. I would ask the majority to reconsider both of these proposals.

One of the reforms the majority made with great fanfare as part of the Contract with America in 1995 was repeal of the Gephardt rule, which would spin off separate legislation increasing the debt limit upon passage of the debt resolution without a separate vote or opportunity for debate on the amendments.

Now that our national debt is growing at a record pace under their policies, less than 6 months ago the administration asked us to increase the debt ceiling by \$400 billion; Christmas Eve, the administration is asking us to increase the debt ceiling again to \$6.4 trillion.

The majority now, under their rules package, has decided that greater openness and accountability regarding our national debt perhaps is not such a good thing after all. I ask Members to reconsider that. Just as credit card spending limits serve as tools to force families to examine their household budgets, the statutory debt limit reminds our Nation to more closely evaluate taxing and spending policies. Reviving the Gephardt rule will allow Members to avoid taking responsibility for paying the bills we incur by our votes.

Now, the implementation of dynamic scoring also should raise a red flag to those who call themselves conservative in this body. Under the logic of those advocating dynamic scoring, the tax cut we passed last year should have resulted in greater surpluses than was being projected last spring. We can disagree about the extent the tax cut contributed to the return of the deficit, but it is clear that it did not have a dynamic effect on producing higher surpluses and revenues.

The conservative approach, to me, is to be conservative in budget projections. If we err on the side of being conservative and cautious, Congress can easily deal with the problem of having more money than was projected. But when we err on the side of being too optimistic, we have a much greater challenge in dealing with fiscal problems such as those before us now.

We are paying the price today for ignoring the warnings of experts in the past. We should not ignore the warnings of those that say changing to dynamic scoring will contribute to further problems of the deficit and debt of this country.

Vote "no" on the rules changes; vote "yes" on cutting the interest taxes on the American people.

□ 1500

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Speaker, the proposal to create a new Select Committee on Homeland Security interestingly does not make any changes in the legislative jurisdiction of the committees outlined in rule 10 of the rules of the House. For instance, in the Committee on Transportation and Infrastructure we have handled complex aviation security issues for 28 years. We have held dozens of hearings, classified briefings on aviation security. We have monitored security at U.S. and foreign airports. We have passed landmark legislation like the Aviation Security Improvement Act of 1990 in response to the terrorism attack on Pan Am 103, and in the aftermath of the September 11, the Aviation and Transportation Security Act of 2001. We have a great body of expertise on aviation security issues and the legislation to improve security.

Now, I am puzzled that a moment ago the Speaker said the "select committee will be our eyes and ears of the House. The standing committees will maintain their jurisdictions and will still have authorization and oversight responsibilities."

Now I take that to mean that nothing in the package would deprive the House of the American people of the expertise of the committee and the members and staff of the Committee on Transportation and Infrastructure. But it is not clear, the legislative proposal on the select committee includes "matters that relate to the Homeland Security Act of 2002."

As I read the proposal, the new committee would not have primary jurisdiction over legislation involving programs administered by the Department of Homeland Security. The explanation offered a moment ago by the distinguished chairman of the Committee on Rules does not clarify that jurisdictional question.

Now, let me pose an issue. Title 14 of the Homeland Security Act, entitled Arming Pilots Against Terrorism, establishes a program to deputize airline pilots as Federal law enforcement officers and enables them to carry firearms on board a plane. That provision was based upon a bill developed in our committee which passed the House. The question is, if a new bill were introduced to repeal that rule, would that bill be primarily referred to the Committee on Transportation and Infrastructure or to the Committee on Homeland Security? I would ask the gentleman that. Would the gentleman respond?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, let me just say that it is very clear that the Speaker does have authority to refer legislation, and it is his intent to ensure that we maintain the jurisdiction

of those committees. And the expertise that the gentleman offered on this very important issue, and I remember his testimony upstairs in the Committee on Rules on this, it will be very valuable as this issue is addressed. And it is quite possible that the gentleman may or a member of his committee may be a member of the Select Committee on Homeland Security. So I can assure the gentleman that we are going to do everything possible to keep the expertise that is out there involved in this process.

Mr. Speaker, I thank my friend for yielding.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, last fall it took weeks for the Members of the House, the press and the public to figure out who inserted a special interest provision in the homeland security bill to exempt Eli Lilly and other manufacturers of thimerosal. We did not know the provision was in the bill before we voted on it. After it was found we could not figure out how it got there. Now that is no way to make law.

This is why I am supporting the motion to commit which would mandate that conference reports are made available to Members at least 24 hours before a vote. This requirement would not be permitted to be waived.

Members of this body deserve to know what they are voting on. The practice of sneaking in unrelated provisions in thick conference reports in the dead of night is unacceptable. The reason it is done is to cause Members who normally would not support a provision to do so by burying it in a conference report at the last minute when there is little chance for it to be found.

The thimerosal exception that was slipped into the Homeland Security bill is a prime example. The thimerosal exemption was a big Christmas gift to Eli Lilly and other thimerosal manufacturers. In the last election cycle is it any surprise that Eli Lilly was one of the top pharmaceutical contributors, giving \$1.6 million? In return, they got a thimerosal exception that they have been lobbying for all year. Eli Lilly's first attempt was last spring when it placed the exemption in the comprehensive bill, but since the bill did not get anywhere in the Subcommittee on Health, it switched tactics to get the exemption in Homeland Security.

The exemption effectively shields Eli Lilly from all lawsuits from claimants injured by thimerosal. One of the concerns being expressed is that there is a possible link between thimerosal and autism. The exemption even closed the door on litigation that was ongoing at the time the legislation was passed. It is time to open the conference process and stop the back room political maneuvers that lead to secret provisions. We must stop the abuses of the congressional process. We must allow Members to know what they are voting on. Support the motion to commit.



Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, this rules package is a very important continuation of the majority's effort to shut down democratic debate. The ranking minority member spoke about this rule allowing the chairs of committees to roll votes. Basically what it represents is a willingness of the Republican Members to roll over, to beg, to sit up and do whatever their leadership tells them, because what this does is degrade the possibility of democratic debate in committees.

People not familiar with the jargon probably do not fully understand what is being proposed. You will go to a committee session, a markup as we call them, and vote on the legislation, and you will offer an amendment to try to change things. Under these rules you may very well not know whether your amendment has won or lost. There will be a debate on the amendment and the Chair of that committee can then postpone the voting on that amendment until the end of that session. And what do you do if you have offered an amendment that might be somewhat controversial that has a chance to pass? What do you do if you could have passed the amendment if you have made a slight change? How do you then decide what to do next? Obviously there is no way you can have a rational debate in a committee if, having offered an amendment, you cannot tell whether or not that amendment has passed or not.

So what this does is simply ratify the Republican approach, which is all power is lodged in whatever leadership is in charge at the particular moment and the Members are to be excused from the irritation of having to think about it. When the majority came to power in 1995 they wanted to give it a proxy. They said the problem with proxy voting is that people vote without listening to the debate. They are not there. They vote by proxy. So they have now come up with a proposal that has all of the abuses of proxies and none of the efficiencies. At least proxies allowed you to determine an issue one at a time.

What will happen is you will go to a committee meeting. Members will not be there. They will troop in obediently at the end and vote as the Chair tells them, and it will have destroyed the possibility of debate earlier because you simply cannot logically legislate if you do not know what the outcome has been of these amendments.

Now the majority has succeeded in a number of ways in this House, during my tenure here with their being in control, in shutting down debate. I have to say that sadly they have had an accomplice in this, the media. We had wide coverage in the press gallery of our ceremonial oath taking. Now that we are dealing with extremely controversial measures that will further the degrada-

tion of democracy in the U.S. House of Representatives, very few people are here to cover it. So I guess they will once again get away with it. But the consequence will be very clear. The extent to which there is now rational debate and openness in the committees will be substantially diminished.

The Republican leadership is apparently willing obediently to vote for this rules package, although I am told that many of them objected to parts of it, to give once again their right to make decisions to their leadership.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

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

Mr. MOORE. Mr. Speaker, I rise in opposition to the House rules package the majority is proposing for the 108th Congress.

The majority has turned its back on fiscal responsibility by attempting to hide large future increases in our national debt by reinstating the so-called "Gephardt Rule." This rules change will allow the House to avoid a separate vote on the debt limit, preventing full and open debate on a policy with long-term consequences to our Nation's fiscal health.

Last June, Mr. Speaker, we had a full debate as Congress raised the limit on the debt by \$450 billion. I opposed this increase because the House failed at that time to reevaluate the policies that required us to increase the statutory limit on debt in the first place. But at least, at least we had a debate.

An increase in the debt limit should require action by Congress and the President to put the fiscal house back in order. But now the majority party is resorting to the tactics that they opposed just last year. They are attempting to hide votes to increase the national debt by reviving this rule.

The majority will eagerly support the President's proposal to be unveiled today which will add more than \$600 billion to the debt over the next 10 years. They should be willing to stand up and be counted when the time comes to pay the bill by raising the debt limit. The new proposed rule will allow the majority to avoid taking responsibility for paying our bills. The majority's rule will impose a new tax, a debt tax, a tax equal to the interest payments on our \$6.2 trillion national debt, a tax that cannot be repealed.

Mr. Speaker, I urge my colleagues to vote for the motion to recommit and oppose the rules package that will result in a new debt tax increase for all Americans.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from New York (Ms. SLAUGHTER) has 4½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise to address section 2(J) of these rules providing for dynamic scoring of tax bills. I thought the Arthur Andersen accounting firm had been dissolved. Instead it is being moved wholesale into the Committee on Ways and Means and the Joint Committee on Taxation.

With dynamic scoring, every tax cut for the wealthy can be scored as making money for the Treasury. The first President George Bush described this as voodoo economics, while the advisors unfortunately of the current President seem nostalgic for supply-side trickle down economics.

The proof that dynamic scoring makes no sense is that dynamic scoring is provided in these rules for money spent to improve our economy. So if we were to spend \$100 billion over 10 years improving vocational education, virtually every economist would agree that that will at least help our economy, maybe will help our economy to the point where the tax revenues outweigh the expenditures. And yet there is no recognition of the fact that spending money on education produces money eventually for our Treasury.

In contrast, if we were to spend \$100 billion over 10 years by giving tax breaks to the wealthiest Americans, some economists would say the cost of the Treasury exceeds \$100 billion because it will have an adverse impact on our economy, drive up interest rates, et cetera. And yet instead we will no doubt get a dynamic score that says tax cuts do not cost the Treasury any money but spending on education, oh, that costs.

That is why Alan Greenspan told us that unfortunately the analytical tools required to achieve dynamic scoring are deficient. Accordingly, we should be especially cautious about adopting technical scoring procedures that might be susceptible to overly optimistic assessments.

In summary, the currently relatively straightforward scoring has served us well. I think Mr. Greenspan is correct.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes, the remainder of my time, to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, we are barely 3 hours into this Congress and the political hedonists of this Congress have struck their first blow. You know hedonism, if it feels good do it regardless of the consequences.

Well, that is exactly what those people who have voted repeatedly to raise the debt limit and to stick our children and our children's children with our bills have done. Now they want to do it even better.

One of the few things that controlled their urge to run up the bill and stick our kids with it was at least a law that

said we had to vote to raise the debt limit. Now they want to do away with that law. They want a rule that says if they pass a budget we do not have to raise the debt limit.

I would remind them that in the 19 months since the Bush budget became law, that we have stuck our children and our children's children with \$749,529,498,242 worth of new debt. It did not stimulate the economy. It stimulated the debt. It is political hedonism. You heard it here first. You are going to hear it a lot.

Just a little while ago the Speaker of the House said, "We pledge to fight those who would endanger our freedom." Those of you who would bankrupt our Nation will destroy our freedom. And, therefore, just as the Speaker pledged to fight those who would endanger our freedom, I pledge to fight you tooth and nail on every effort to increase the national debt and every effort to hide the way that you do it.

□ 1515

The last time we had to have a vote, it was scheduled for three o'clock in the morning.

My dad's taught me a lot in life; but generally, one of his best rules is anything a person does past midnight, they are probably not very proud of, and I am sure my colleagues were not proud of the fact that they raised the debt limit. So now my colleagues do not want to have that vote at all.

Mr. Speaker, I am opposing these rule changes; and I would ask every Member to do so who believes in accountability, believes in standing up and talking to the citizens and saying, yes, I did that and this is the reason why or, no, I did not oppose this rule. If my colleagues have come here to hide from the truth, if they have come here to stick their children and their children's children with their bills, then vote for it.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, we began today with wonderful bipartisan statements that came from both the gentlewoman from California (Ms. PELOSI), the new minority leader, and the gentleman from Illinois (Mr. HASTERT), the Speaker, right behind me here in this Chamber; and we want to see that spirit continue today, and obviously we very much want to have that spirit continue through this 108th Congress because we have many very serious challenges that we face as a Nation.

Number one, of course, is our national security and, along with that, homeland security, the challenges abroad. Right next to that, of course, is focusing on getting this economy moving, which the President talked about earlier today in Chicago; and as we look at this opening day rules package, I am very proud of the fact that it does more to focus on the very important issue of minority rights than anything that was done by my friends on the other side of the aisle during their 4

decades of uninterrupted, one-party control of this institution.

If my colleagues look at the reforms that we have maintained we initiated once we became a majority and frankly built upon, they do, in fact, increase the accountability and the deliberative nature of this Congress. We have items that are included in this measure which guarantee the minority the right to offer a motion to recommit on legislation.

Mr. Speaker, I had the privilege of serving for 14 years here in the minority until in 1994 we won the majority. During that period of time, there were numerous occasions when the then-Republican minority was denied the chance to even offer a motion to recommit.

Something else that we have done that we are very proud of, Mr. Speaker, again focusing on minority rights, has been to ensure that one-third of the funding level for minority staffing on committees is provided to the minority. Once again, during the 14 years that I was privileged to serve here in the minority, we saw numerous occasions when the then-Republican minority was denied the chance to have even a modicum of investigative staff on certain committees; and the numbers were very, very heavily skewed against the then-Republican minority. We are providing a much higher level of funding for the Democratic minority.

Also, we heard this discussion earlier about the issue of proxy voting. The issue of proxy voting had to do with committee chairmen arbitrarily utilizing the proxy of Members who were not even in the room, in the building, quite possibly they were not even in our Nation's capital; and yet their votes were being cast on issues that they may not have even known about. So we chose to bring an end to proxy voting.

Mr. Speaker, one of the things is that we have learned that we do have a very narrow majority. It is a little greater than in the 107th Congress, I am happy to say; but it is still the second narrowest in recent times, and we do have the challenge of trying to manage and move very important legislation through this body.

Mr. Speaker, I believe that we have, as a Republican majority, learned from some of the actions of the Democratic majority; and we went, as I said, for 4 decades without being in the majority. We served in the minority. It took us time to learn about the process of governing. We were not able to do that overnight, and so I will admit there are some modifications that we have made, and providing the opportunity for committee chairmen, obviously working, as has been the case in the 107th Congress and earlier Congresses, with the minority to roll votes in committee while guaranteeing Members the opportunity to offer second-degree amendments is something that will again enhance the ability to move legislation effectively; and we hope, as has

been the case in the past, that much of that will be done in a bipartisan way.

We have established this Department of Homeland Security. We do have dynamic scoring. I know there was concern raised about that. It is a very, very small consideration. The Office of Management and Budget, the Congressional Budget Office will not be engaged in this; but we will see the Joint Committee on Taxation doing it. Why? Very simply, because we believe that behavioral patterns should be taken into consideration when we look at the impact of a tax cut on the flow of revenues to the Federal Treasury.

Today, I introduced legislation which reduces the top rate on capital gains from 20 percent down to 10 percent. I introduced it perspectively, encouraging the American people to once again invest, to get into the market and to invest. What the bill that I have introduced basically says is that during a 2-year period, if people invest and they hold on to that asset for 1 year, they will be able to see a tremendous cut, a cut of one-half, from 20 percent down to 10 percent and from 10 percent to 5 percent for those in the 15 percent bracket.

Mr. Speaker, I would argue and I believe that every shred of evidence over the past and with the scoring procedure that we have put into place will show that the rich pay more in taxes. Why? Because we have often a lock-in effect. More than half the American people are members of the investor class today. People are invested in markets through 401(k)s, individual retirement accounts. They have got some appreciated assets with real estate homes and all, and we know that the market has dropped tremendously, but the President's plan is encouraging economic growth.

We, in the bill that I have just introduced in a bipartisan way, are encouraging economic growth with that as well; and with economic growth, Mr. Speaker, we are going to see an increase in the flow of revenues to the Federal Treasury. That is what the scoring procedure that we have put into place for the Joint Committee on Taxation will do. It will simply provide that information, making that information available.

So we have a very fair, balanced measure here which again increases the deliberative nature of this institution and does increase the accountability.

On the issue of the debt limit, every Member will be accountable because that vote will be cast when we deal with the budget resolution itself. So we are going to see every Member accountable for their votes that they cast right here.

We have spectacular leadership from Speaker HASTERT. This is a measure that will allow him to deal with the very serious challenges that our Nation faces in the 108th Congress.

Mr. DINGELL. Mr. Speaker, I rise in opposition to the House Rules packages being offered today by the majority. Over the previous

four Congresses, which have been controlled by the Republican party, the House rules became increasingly hostile to the rights of the minority. This proposal continues that trend.

Let there be no misunderstanding—when I speak of the rights of the minority I am speaking of the rights of the 47 percent of all Americans who are represented by Democratic and Independent Members of Congress. It is their rights which are being abused when their Member of Congress is treated unfairly.

For example, the right of all Members, and particularly the minority, to file its views on legislation reported by a committee, has been reduced to 2 days. During the 40 years of Democratic control the minority was always permitted 3 days.

Similarly, committee ratios have been consistently stacked against the minority. For example, on the Committee on Energy and Commerce, during Democratic control the majority representation of the committee was always within two percentage points of its ratio in the House, and the difference averaged less than one percent. In the past three Congresses, under Republican control, the difference was more than 3 percent. In short, the Republican majority has robbed the Democratic minority of seats they deserve in our committee.

In the last Congress, the Republican rules package radically changed the jurisdiction of the Energy and Commerce Committee by transferring its jurisdiction over securities and insurance to the Committee on Financial Services. This change was done without a single hearing at which Members of the majority or minority were permitted to present their views, or without a single markup at which minority Members could vote or suggest alternatives. Now the Republican majority is doing the same thing with the establishment of a Select Committee on Homeland Security.

The majority has not only trampled upon the rights of the minority, but also upon the rights of individual citizens. For example, Republicans eliminated a longstanding rule of the House that permitted individuals who were required to appear before a committee under a subpoena the right to have television cameras turned off. The rule had permitted all other media to cover the hearing, but the rule gave the witness the right to some level of fairness.

In this context, I look with interest every year to see what new rules will be adopted in response to the majority's irritation with the minority's invocation of its merger remaining rights.

This year there are several interesting changes. Perhaps the most interesting one is the permission to committees to adopt rules allowing the chairman to postpone votes on bills and amendments in committee. When my Republican colleagues took control of the House they complained that proxy voting permitted Members to cast votes on matters without attending the debate that accompanied the matter. It now appears that by permitting votes to be postponed to a time certain, Members will no longer have to attend committee markups while important amendments are being debated. Instead, they will merely have to show up at a specified time to vote. It sounds an awful lot like proxy voting to me.

Another rule change stretches out the length of time before the minority may offer motions to instruct conferees by requiring a minimum of 10 legislative days. Again, this rule limits minority rights.

While some rule changes are technical in nature, it appears that the other substantive amendments are designed to make it easier for my Republican colleagues to plunge our Nation further into debt. Not satisfied with throwing away the progress made during the Clinton administration, which changed annual budget deficits to surpluses, the Republicans in the last Congress immediately threw the country back into budget deficits while raiding our Social Security and Medicare trust funds.

While they seemed to take delight in placing more and more tax cuts on the Floor during the past Congress, it was a lot more painful for them to figure out how to pay for them. So this year they are adopting a host of rules to hide their budget profligacy. No longer will they require Members to vote on raising the statutory limit on the debt. Now their vote on the budget resolution will automatically raise the debt limit.

Moreover, the rules continue the so-called "deeming" resolution, which allows the House to pretend it has adopted a binding budget resolution when in reality, only one House has acted. The rules would also require the Ways and Means Committee to include so-called "dynamic scoring" on amendments to the tax code. While "dynamic scoring" has no real definition, it is generally understood to mean a way to pretend that a tax cut increase revenues rather than decreasing them. We heard all of this same nonsense during the Reagan administration and talk about the Laffer curve. Ultimately, we saw only greater deficits.

Mr. Speaker, it is time for my Republican colleagues to stop playing games with the House rules. We must respect the rights of Democratic Members of this body, and more importantly, the rights of the 47 percent of Americans who they represent. We must stop using the House rules to make it easier to plunge the Nation into debt, while hiding raids on the Social Security and Medicare trust funds. The Republicans' procedural thumb on the scale demeans this institution and reduces its credibility.

Mr. OXLEY. Mr. Speaker, I rise today in strong support of H. Res. 5, the resolution providing for the rules for the House for the 108th Congress. This is an important package, with important reforms, for both the House and its committees.

In particular, I am pleased to see that the House is prepared to accept my proposal that committees be permitted postpone some votes during markups. As I explained in my testimony submitted to the Rules Committee, one of the biggest obstacles I faced during my first term as Chairman of the Financial Services committee was the limited House schedule, combined with multiple demands for Committee members' time. When the House is in session for 2½ or 3 days a week, and members routinely have 2 and 3 committee assignments, we are faced with a situation where it is next to impossible for authorizing committees to do their work. When the committees are unable to complete their work, it's hard to keep the floor in session. It is a vicious cycle, and we need new tools to address it.

That is why I suggested that the House change rule XI of the Rules of the House to permit committee chairmen to exercise authority similar to that of the Speaker in the House or the Chairman of the Committee of the Whole to postpone ordered record votes to permit the "stacking" of multiple votes. This is

a practice we are all used to when we vote in the House or the Committee of the Whole, and one that can be easily applied to committee practice.

It is important to note that nothing in this rules change will alter committee quorum requirements, or curtail other parliamentary options available to the Minority. Ultimately, this tool will be one of bipartisan convenience, rather than a tool to be used by the Majority to impose its will on the Minority.

I am pleased to see that this proposal is included in the rules package before the House today. I especially want to thank the Majority Leader, Mr. DELAY, the speaker, and the Chairman of the Rules Committee, the gentleman from California, Mr. DREIER, for their support of this change.

I believe this is an important provision in an excellent rules package, and I encourage all of my colleagues to support it.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

MOTION TO COMMIT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Ms. SLAUGHTER moves to commit the resolution H. Res. 5 to the Committee on Rules with instructions to report the same back to the House forthwith with the following amendments:

Amend section 2 of the resolution (relating to changes in standing rules) by striking amendments to the Rules of the House of Representatives relating to—

- (1) postponement of votes in committee;
- (2) requirement of dynamic scoring in Ways and Means reports;
- (3) motions to instruct during conference;
- (4) perishable food as a gift; and
- (5) gift ban exemption for charity travel; and
- (6) fiduciary relationship for physicians.

Further amend section 2 of the resolution by adding at the end the following new subsection:

(v) COMMITTEE RATIOS.—Clause 5(a)(1) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "The membership of each committee (and each subcommittee or other subunit thereof) shall reflect the ratio of majority to minority party members of the House at the beginning of the Congress. This requirement shall not apply to the Committee on Rules and the Committee on Standards of Official Conduct."

Amend section 3 of the resolution by striking subsection (a)(4) and subsection (d).

Amend the resolution by adding at the end the following new section:

#### SEC. 5. SENSE OF THE HOUSE.

It is the sense of the House of Representatives that it considers protection of the rights of the minority party to be able to fully participate in the legislative process to be of paramount importance and to that end, the Republican leadership of the House should:

- (1) Pursuant to clause 8(a)(1) of rule XXII of the Rules of the House of Representatives, ensure that conference reports be available to Members at least three calendar days prior to consideration, and that in no case shall they be brought up for consideration without 24 hours availability.

(2) Seek to reduce the number of waivers of the Rules of the House of Representatives contained in special order of business resolutions reported by the Committee on Rules.

(3) Seek to reduce the number of bills considered by suspension of the rules, especially those bills which are of major legislative importance as well as any bill that may make or authorize appropriations in excess of \$100,000,000 for any fiscal year.

(4) Seek to ensure that more alternatives or substitutes to legislation be allowed in any special order of business resolution reported by the Committee on Rules in order to ensure that differing viewpoints may be debated on the House floor which will open the democratic process in the House of Representatives.

(5) Seek to ensure that the Committee on Rules reports more open rules so that Members of the Democratic Caucus may offer amendments to committee bills, or in those cases where structured rules are reported, that more Democratic amendments presenting significant policy ideas and initiatives be included in those amendments made eligible for consideration by the rule.

The SPEAKER pro tempore. Without objection, the motion is considered as one to commit the resolution to a select committee composed of the majority leader and the minority leader.

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to announce that any Member-elect who failed to take the Oath of Office may present himself or herself in the well of the House prior to the vote on the motion to commit the resolution now pending or on any other rollcall vote.

The question is on the motion to commit offered by the gentlewoman from New York (Ms. SLAUGHTER).

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 200, nays 225, not voting 8, as follows:

[Roll No. 3]

#### YEAS—200

Abercrombie	Capps	Doggett
Ackerman	Capuano	Dooley (CA)
Alexander	Cardin	Doyle
Allen	Cardoza	Edwards
Andrews	Carson (IN)	Emanuel
Baca	Case	Engel
Baird	Clay	Eshoo
Baldwin	Conyers	Etheridge
Ballance	Cooper	Evans
Becerra	Costello	Farr
Bell	Cramer	Fattah
Berkley	Crowley	Filner
Berman	Cummings	Ford
Berry	Davis (AL)	Frank (MA)
Bishop (GA)	Davis (CA)	Frost
Bishop (NY)	Davis (FL)	Gephardt
Blumenauer	Davis (IL)	Gonzalez
Boswell	Davis (TN)	Gordon
Boucher	DeFazio	Green (TX)
Boyd	DeGette	Grijalva
Brady (PA)	Delahunt	Gutiérrez
Brown (OH)	DeLauro	Hall
Brown, Corrine	Deutsch	Harman
Brown-Waite,	Dicks	Hastings (FL)
Ginny	Dingell	Hill

Hinchey	McCollum	Sabo
Hinojosa	McDermott	Sanchez, Linda
Hoefel	McGovern	T.
Holden	McIntyre	Sanchez, Loretta
Holt	McNulty	Sanders
Honda	Meehan	Sandin
Hoyer	Meeks (NY)	Schakowsky
Inslee	Menendez	Schiff
Israel	Michaud	Scott (GA)
Jackson (IL)	Millender-	Scott (VA)
Jackson-Lee	McDonald	Serrano
(TX)	Miller (NC)	Sherman
Jefferson	Miller, George	Skelton
John	Mollohan	Slaughter
Johnson, E. B.	Moore	Smith (WA)
Jones (OH)	Moran (VA)	Snyder
Kanjorski	Murtha	Solis
Kaptur	Nadler	Spratt
Kildee	Napolitano	Stark
Kilpatrick	Neal (MA)	Stenholm
Kind	Oberstar	Strickland
Kleczka	Obey	Stupak
Kucinich	Oliver	Tanner
Lampson	Ortiz	Tauscher
Langevin	Owens	Taylor (MS)
Lantos	Pallone	Taylor (MS)
Larsen (WA)	Pascarell	Thompson (CA)
Larson (CT)	Pastor	Thompson (MS)
Lee	Payne	Tierney
Levin	Pelosi	Towns
Lewis (GA)	Peterson (MN)	Turner (TX)
Lipinski	Pomeroy	Udall (CO)
Lofgren	Price (NC)	Udall (NM)
Lowe	Rahall	Van Hollen
Lucas (KY)	Rangel	Velazquez
Majette	Reyes	Visclosky
Maloney	Rodriguez	Watson
Markey	Ross	Watt
Marshall	Rothman	Waxman
Matheson	Roybal-Allard	Weiner
Matsui	Ruppersberger	Wexler
McCarthy (MO)	Rush	Woolsey
McCarthy (NY)	Ryan (OH)	Wu
		Wynn

#### NAYS—225

Aderholt	Diaz-Balart, L.	Johnson (IL)
Akin	Diaz-Balart, M.	Johnson, Sam
Bachus	Doolittle	Jones (NC)
Baker	Dreier	Keller
Ballenger	Duncan	Kelly
Barrett (SC)	Dunn	Kennedy (MN)
Bartlett (MD)	Ehlers	King (IA)
Barton (TX)	Emerson	King (NY)
Bass	English	Kingston
Beauprez	Everett	Kirk
Bereuter	Feeney	Kline
Biggart	Ferguson	Knollenberg
Bilirakis	Flake	Kolbe
Bishop (UT)	Fletcher	LaHood
Blackburn	Foley	Latham
Blunt	Forbes	LaTourette
Boehlert	Fossella	Leach
Boehner	Franks (AZ)	Lewis (CA)
Bonilla	Frelinghuysen	Lewis (KY)
Bonner	Gallegly	Linder
Bono	Garrett (NJ)	LoBiondo
Boozman	Gerlach	Lucas (OK)
Bradley (NH)	Gibbons	Manzullo
Brady (TX)	Gilchrest	McCotter
Brown (SC)	Gillmor	McCrery
Burgess	Gingrey	McHugh
Burns	Goode	McInnis
Burr	Goodlatte	McKeon
Burton (IN)	Goss	Mica
Buyer	Granger	Miller (FL)
Calvert	Graves	Miller (MI)
Camp	Green (WI)	Miller, Gary
Cannon	Greenwood	Moran (KS)
Cantor	Gutknecht	Murphy
Capito	Harris	Musgrave
Carter	Hart	Myrick
Castle	Hastings (WA)	Nethercutt
Chabot	Hayes	Ney
Chocola	Hayworth	Northup
Coble	Hefley	Norwood
Cole	Hensarling	Nunes
Collins	Herger	Nussle
Combust	Hobson	Osborne
Cox	Hoekstra	Ose
Crane	Hostettler	Otter
Crenshaw	Houghton	Oxley
Cubin	Hulshof	Paul
Culberson	Hunter	Pearce
Cunningham	Hyde	Pence
Davis, Jo Ann	Isakson	Peterson (PA)
Davis, Tom	Issa	Petri
Deal (GA)	Istook	Pitts
DeLay	Jenkins	Platts
DeMint	Johnson (CT)	Pombo

Porter	Sensenbrenner	Thomas
Portman	Sessions	Thornberry
Pryce (OH)	Shadegg	Tiahrt
Putnam	Shaw	Tiberi
Quinn	Shays	Toomey
Radanovich	Sherwood	Turner (OH)
Ramstad	Shimkus	Upton
Regula	Shuster	Vitter
Rehberg	Simmons	Walden (OR)
Renzi	Simpson	Walsh
Reynolds	Smith (MI)	Wamp
Rogers (AL)	Smith (NJ)	Weldon (FL)
Rogers (KY)	Smith (TX)	Weldon (PA)
Rogers (MI)	Souder	Weller
Rohrabacher	Stearns	Whitfield
Ros-Lehtinen	Sullivan	Wicker
Royce	Sweeney	Wilson (NM)
Ryan (WI)	Tancredo	Wilson (SC)
Ryun (KS)	Tauzin	Wolf
Saxton	Taylor (NC)	Young (AK)
Schrock	Terry	Young (FL)

#### NOT VOTING—8

Carson (OK)	Kennedy (RI)	Pickering
Clyburn	Lynch	Waters
Janklow	Meek (FL)	

□ 1553

Messrs. EVERETT, CASTLE, JONES of North Carolina, GARRETT of New Jersey, LEWIS of California, NORWOOD, PITTS, SMITH of Texas, and HUNTER changed their vote from “yea” to “nay.”

Messrs. LARSON of Connecticut, McDERMOTT, CARDOZA, PETERSON of Minnesota, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. STARK, Ms. LINDA T. SANCHEZ of California, Mr. RAHALL and Mr. CONYERS changed their vote from “nay” to “yea.”

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. BROWN-WAITE. Mr. Speaker, on rollcall No. 3, I inadvertently pressed the “aye” button. I meant to vote “nay.”

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 203, not voting 9, as follows:

[Roll No. 4]

#### YEAS—221

Akin	Brown-Waite,	Davis, Jo Ann
Bachus	Ginny	Davis, Tom
Baker	Burgess	DeLay
Ballenger	Burns	DeMint
Barrett (SC)	Burr	Diaz-Balart, L.
Bartlett (MD)	Burton (IN)	Diaz-Balart, M.
Barton (TX)	Buyer	Doolittle
Bass	Calvert	Dreier
Beauprez	Camp	Duncan
Bereuter	Cannon	Dunn
Biggart	Cantor	Ehlers
Bilirakis	Capito	Emerson
Bishop (UT)	Carter	English
Blackburn	Castle	Everett
Blunt	Chabot	Feeney
Boehlert	Chocola	Ferguson
Boehner	Coble	Flake
Bonilla	Cole	Fletcher
Bonner	Collins	Foley
Bono	Combust	Forbes
Boozman	Crane	Fossella
Bradley (NH)	Crenshaw	Franks (AZ)
Brady (TX)	Cubin	Frelinghuysen
Brown (SC)	Culberson	Gallegly
	Cunningham	Garrett (NJ)

Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Goode  
Goodlatte  
Goss  
Granger  
Graves  
Green (WI)  
Greenwood  
Gutknecht  
Harris  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Istook  
Johnson (IL)  
Johnson (NC)  
Keller  
Kelly  
Kennedy (MN)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
LaHood  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder

LoBiondo  
Lucas (OK)  
Manzullo  
McCotter  
McCrery  
McHugh  
McInnis  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy  
Musgrave  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nunes  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Pombo  
Porter  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Sweeney  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Toomey  
Turner (OH)  
Upton  
Vitter  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo

Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner

Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velazquez  
Visclosky  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

## NOT VOTING—9

Aderholt  
Bishop (NY)  
Clyburn

□ 1611

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KING of Iowa. Mr. Speaker on rollcall No. 4, my voting card did not function properly. Had it worked properly, I would have voted "yea."

Stated against:

Mr. BISHOP of New York. Mr. Speaker, on rollcall No. 4, I was unavoidably detained and I would have voted "no" on H. Res. 5.

## GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 5.

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

There was no objection.

## ELECTION OF MAJORITY MEMBERS TO COMMITTEE ON RULES

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 6) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 6

*Resolved*, That the following Members be, and are hereby, elected to the Committee on Rules: Mr. DREIER of California, Chairman, Mr. GOSS of Florida, Mr. LINDER of Georgia, Ms. PRYCE of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HASTINGS of Washington, Mrs. MYRICK of North Carolina, Mr. SESSIONS of Texas, and Mr. REYNOLDS of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ELECTION OF MINORITY MEMBERS TO COMMITTEE ON RULES

Mr. HOYER. Mr. Speaker, by direction of the Democratic Caucus, I offer

a privileged resolution (H. Res. 7) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 7

*Resolved*, That the following Members be, and are hereby, elected to the Committee on Rules of the House of Representatives: Mr. Frost of Texas, Ms. Slaughter of New York, Mr. McGovern of Massachusetts, and Mr. Hastings of Florida.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Ms. PELOSI. Mr. Speaker, I offer a resolution (H. Res. 8) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 8

*Resolved*, That, pursuant to the Legislative Pay Act of 1929, four of the six minority employees authorized therein shall be the following named persons, effective January 3, 2003, until otherwise ordered by the House, to-wit: George Crawford, Lorraine Miller, Cecile Richards, and George Kundanis, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94. In addition to the six minority employees authorized by the Legislative Pay Act, the Minority Leader may appoint and set the annual rate of pay for up to three additional minority employees.

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.

## DAILY HOUR OF MEETING

Mr. DREIER. Mr. Speaker, I offer a privileged resolution (H. Res. 9) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 9

*Resolved*, That unless otherwise ordered, before Monday, May 19, 2003, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 19, 2003, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Mr. DREIER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 1) and ask for its immediate consideration.

## NAYS—203

Abercrombie  
Ackerman  
Alexander  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Ballance  
Becerra  
Bell  
Berkley  
Berman  
Berry  
Bishop (GA)  
Blumenauer  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Carson (OK)  
Case  
Clay  
Conyers  
Cooper  
Costello  
Cramer  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Dicks

Dingell  
Doggett  
Dooley (CA)  
Doyle  
Edwards  
Emanuel  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank (MA)  
Frost  
Gephardt  
Gonzalez  
Gordon  
Green (TX)  
Grijalva  
Gutierrez  
Hall  
Harman  
Hastings (FL)  
Hill  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick

Kind  
Klecza  
Kucinich  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
Hall  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud  
Millender  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

*Resolved by the House of Representatives (the Senate concurring), That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Eighth Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia whenever, in their opinion, the public interest shall warrant it.*

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### APPOINTMENT OF MEMBERS TO HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to 40 United States Code, 175 and 176, the Chair announces the Speaker's appointment of the gentleman from Texas (Mr. DELAY) and the gentlewoman from California (Ms. PELOSI) as members of the House Office Building Commission to serve with himself.

There was no objection.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, January 7, 2003.

Hon. J. DENNIS HASTERT,  
The Speaker, U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the U.S. House of Representatives, I herewith designate Ms. Martha C. Morrison, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which she would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

If Ms. Morrison should not be able to act in my behalf for any reason, then Mr. Gerasimos C. Vans, Assistant to the Clerk or Mr. Daniel J. Strodel, Assistant to the Clerk should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 108th Congress or until modified by me.

With best wishes, I am.

Sincerely,

JEFF TRANDAH.

□ 1615

#### COMMUNICATION FROM CHIEF OF STAFF OF HON. JOHN M. SHIMKUS, MEMBER OF CONGRESS

The Speaker pro tempore (Mr. LAHOOD) laid before the House the fol-

lowing communication from Craig Roberts, Chief of Staff of the Honorable JOHN M. SHIMKUS, Member of Congress:

HOUSE OF REPRESENTATIVES,  
Washington, DC, January 3, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that our office has been served with a subpoena *duces tecum* issued by the U.S. District Court for the Central District of Illinois.

After consultation with the Office of General Counsel, we have determined that compliance with the subpoenas is consistent with the precedents and privileges of the House.

Sincerely,

CRAIG ROBERTS,  
Chief of Staff.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair customarily takes this occasion on the opening day of the Congress to announce his policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements by the Speaker concerning: first, privileges of the floor; second, introduction of bills and resolutions; third, unanimous consent requests for the consideration of bills and resolutions; forth, recognition for 1-minute speeches, morning hour debate, and special orders; fifth, decorum in debate; sixth, conduct of votes by electronic device; seventh, distribution of written material on the House floor; and, eighth, use of personal, electronic office equipment on the House floor.

These announcements, where appropriate, will reiterate the origins of the stated policies. The Speaker intends to continue in the 108th Congress the policies reflected in these statements. The policy announced in the 102nd Congress with respect to jurisdictional concepts related to clause 5(a) of rule XXI, tax and tariff measures, will continue to govern but need not be reiterated, as it is adequately documented as precedent in the House Rules and Manual.

The announcements referred to follow and, without objection, will be printed in the RECORD:

There was no objection.

##### 1. PRIVILEGES OF THE FLOOR

The Chair will make the following announcement regarding floor privileges. Rule 4 strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. The Speaker's instructions to the former Doorkeeper and the Sergeant-at-Arms announced on January 25, 1983, and on January 21, 1986, regarding floor privileges of staff will apply during the 108th Congress. In accordance with the change in this Congress of clause 2(a) of rule 4 regarding leadership staff floor access, the Speaker announces that only designated staff approved by the Speaker shall be granted the privilege of the floor. The Speaker intends that his approval be narrowly granted on a bipartisan basis to staff from the major-

ity and minority side and only to those staff essential to floor activities.

The rule strictly limits the number of committee staff permitted on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member has an amendment actually pending. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees. The Chair will again extend this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested (and the Speaker has approved) their presence. The Chair has consulted with and has concurrence of the Minority Leader with respect to this policy and has directed the Sergeant-at-Arms to assure proper enforcement of the rule. The Speaker's policy announced on August 1, 1996, regarding floor privileges of former Members will also apply during the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 25, 1983

The SPEAKER. Rule IV strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated as recently as August 22, 1974, by Speaker Albert under the principle stated in Deschler's Procedure, chapter 4, section 3.4, the rule strictly limits the number of committee staff permitted on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Member's personal staff except when a Member has an amendment actually pending during the five-minute rule. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees. The Chair will again extend this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested their presence. The Chair stated this policy in the 97th Congress, and an increasing number of Members have insisted on strict enforcement of the rule. The Chair has consulted with and has the concurrence of the Minority Leader with respect to this policy and has directed [the Doorkeeper and] the Sergeant-at-Arms to assure proper enforcement of the rule.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 21, 1986

The SPEAKER. Rule IV strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated by the Chair on January 25, 1983, and January 3, 1985, and as stated in chapter 4, section 3.4 of Deschler-Brown's Procedure in the House of Representatives, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the five-minute rule. It also does not extend to personal staff of Members who are sponsors of



pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff are on the floor, and then only during the consideration of measures reported from their committees. The Chair is making this statement and reiterating this policy because of concerns expressed by many Members about the number of committee staff on the floor during the last weeks of the first session. The Chair requests each chairman, and each ranking minority member, to submit to the [Doorkeeper] Sergeant-at-Arms a list of staff who are to be allowed on the floor during the consideration of a measure reported by their committee. Each staff person should exchange his or her ID for a "committee staff" badge which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with him. The Chair has furthermore directed the [Doorkeeper and] Sergeant-at-Arms to assure proper enforcement of rule IV.

ANNOUNCEMENT BY THE SPEAKER, AUGUST 1,  
1996

The SPEAKER. The Chair will make a statement. On May 25, 1995, the Chair took the opportunity to reiterate guidelines on the prohibition against former Members exercising floor privileges during the consideration of a matter in which they have a personal or pecuniary interest or are employed or retained as a lobbyist.

Clause 4 of rule IV and the subsequent guidelines issued by previous Speakers on this matter make it clear that consideration of legislative measures is not limited solely to those pending before the House. Consideration also includes all bills and resolutions either which have been called up by a full committee or subcommittee or on which hearings have been a full committee or subcommittee of the House.

Former Members can be prohibited from privileges of the floor, the Speaker's lobby and respective Cloakrooms should it be ascertained they have direct interests in legislation that is before a subcommittee, full committee, or the House. Not only do those circumstances prohibit former Members but the fact that a former Member is employed or retained by a lobbying organization attempting to directly or indirectly influence pending legislation is cause for prohibiting access to the House Chamber.

First announced by Speaker O'Neill on January 6, 1977, again on June 7, 1978, and by Speaker Foley in 1994, the guidelines were intended to prohibit former Members from using their floor privileges under the restrictions laid out in this rule. This restriction extends not only to the House floor but adjacent rooms, the Cloakrooms, and the Speaker's lobby.

Members who have reason to know that a former Member is on the floor inconsistent with clause 4 of rule IV should notify the Sergeant-at-Arms promptly.

## 2. INTRODUCTION OF BILLS AND RESOLUTIONS

The Speaker's policy announced on January 3, 1983, will continue to apply in the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3,  
1983

The SPEAKER. The Chair would like to make a statement concerning the introduction and reference of bills and resolutions. As Members are aware, they have the privilege today of introducing bills. Heretofore on the opening day of a new Congress, several hundred bills have been introduced. The Chair will do his best to refer as many bills as possible, but he will ask the indulgence of Members if he is unable to refer all the bills that may be introduced. Those bills which

are not referred and do not appear in the RECORD as of today will be included in the next day's RECORD and printed with a date as of today.

The Chair has advised all officers and employees of the House that are involved in the processing of bills that every bill, resolution, memorial, petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92d Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House.

## 3. UNANIMOUS-CONSENT REQUESTS FOR THE CONSIDERATION OF BILLS AND RESOLUTIONS

The Speaker's policy announced on January 6, 1999, will continue to apply in the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 6,  
1999

The SPEAKER. The Speaker will continue to follow the guidelines recorded in section 956 of the House Rules and Manual conferring recognition for unanimous-consent requests for the consideration of bills and resolutions only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with those guidelines, and with the Chair's inherent power of recognition under clause 2 of rule XVII, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 8 of rule I, will decline recognition for unanimous-consent requests for consideration of bills and resolutions without assurances that the request has been so cleared. This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle. In addition to unanimous-consent requests for the consideration of bills and resolutions, section 956 of the House Rules and Manual also chronicles examples where the Speaker applied this policy on recognition to other related unanimous-consent requests, such as requests to consider a motion to suspend the rules on a non-suspension day and requests to permit consideration of nongermane amendments to bills.

As announced by the Speaker, April 26, 1984, the Chair will entertain unanimous-consent requests to dispose of Senate amendments to House bills on the Speaker's table if made by the chairman of the committee with jurisdiction, or by another committee member authorized to make the request.

## 4. RECOGNITION FOR ONE-MINUTE SPEECHES AND SPECIAL ORDERS

The Speaker's policy announced on January 25, 1984, with respect to recognition for one-minute speeches will apply during the 108th Congress with the continued understanding that the Chair reserves the authority to restrict one-minute speeches at the beginning of the legislative day. The Speaker's policy announced in the 104th Congress for recognition for "morning hour" debate and restricted special-order speeches, announced on May 12, 1995, will also continue through the 108th Congress with the further clarification that reallocations of time within each

leadership special-order period will be permitted with notice to the Chair.

ANNOUNCEMENT BY THE SPEAKER, AUGUST 8,  
1984, RELATIVE TO RECOGNITION FOR ONE-MINUTE SPEECHES

The SPEAKER. After consultation with and concurrence by the Minority Leader, the Chair announces that he will institute a new policy of recognition for "one-minute" speeches and for special order requests. The Chair will alternate recognition for one-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit one-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

Upon consultation with the Minority Leader, the Speaker's policy, which began on February 23, 1994, was reiterated on January 4, 1995, and was supplemented on January 3, 2001, will continue to apply in the 108th Congress as outlined below:

On Tuesdays, following legislative business, the Chair may recognize Members for special-order speeches up to midnight, and such speeches may not extend beyond midnight. On all other days of the week, the Chair may recognize Members for special-order speeches up to four hours after the conclusion of five-minute special-order speeches. Such speeches may not extend beyond the four-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, at no time shall the Chair recognize for any special-order speeches beyond midnight.

The Chair will first recognize Members for five-minute special-order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize longer special orders speeches. A Member recognized for a five-minute special-order speech may not be recognized for a longer special-order speech. The four-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. Recognition will alternate initially and subsequently between the parties each day.

The allocation of time within each party's two-hour period (or shorter period of prorated to end by midnight) is to be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up with their leadership for any special-order speeches earlier than one week prior to the special order, and additional guidelines may be established for such sign-ups by the respective leaderships.

Pursuant to clause 2(a) of rule V, the television cameras will not pan the Chamber, but a "crawl" indicating morning hour or that the House has completed its legislative business and is proceeding with special-order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XVII should circumstances so warrant.

## 5. DECORUM IN DEBATE

The Chair will make the following announcement regarding decorum in debate. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit



Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule 17 to gain a better understanding of the proper rules of decorum expected to them, and especially:

(1) to avoid "personalities" in debate with respect to references to other Members, the Senate, and the President;

(2) to address the Chair while standing and only when, and not beyond, the time recognized, and not to address the television or other imagined audience;

(3) to refrain from passing between the Chair and a Member speaking, or directly in front of a Member speaking from the well;

(4) to refrain from smoking in the Chamber;

(5) to disable wireless phones when entering the Chamber;

(6) to wear appropriate business attire in the Chamber; and to generally display the same degree of respect to the Chair and other Members that every Member is due.

The Speaker's policies with respect to decorum in debate announced on January 3, 1991, and January 4, 1995, will apply during the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1991

The SPEAKER. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XVII to gain a better understanding of the proper rules of decorum expected of them, and especially: First, to avoid "personalities" in debate with respect to references to other Members, the Senate, and the President; second, to address the Chair while standing and only when and not beyond the time recognized, and not to address the television or other imagined audience; third, to refrain from passing between the Chair and the Member speaking, or directly in front of a Member speaking from the well; fourth, to refrain from smoking in the Chamber; and generally to display the same degree of respect to the Chair and other Members that every Member is due.

The Speaker's announcement of January 4, 1995, will continue to apply in the 108th Congress as follows:

The SPEAKER. The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. Furthermore, the Chair has the authority to immediately interrupt Members in debate who transgress rule XVII by failing to avoid "personalities" in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Prece-

dents, at section 1248 and was reiterated on January 19, 1995.

#### 6. CONDUCT OF VOTES BY ELECTRIC DEVICE

The Speaker's policy announced on January 4, 1995, will continue through the 108th Congress.

The SPEAKER. The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes.

As Members are aware, clause 2(a) of rule XX provides that Members shall have not less than 15 minutes in which to answer an ordinary [rollcall] record vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. The events of October 30, 1991, stand out as proof of this point. On that occasion, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process, including the time consumed by [rollcalls] record votes. The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that the example of October 30, 1991, be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock.

Although no occupant of the Chair would prevent a Member who is in the well of the Chamber before the announcement of the result from casting his or her vote, each occupant of the Chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber.

#### 7. USE OF HANDOUTS ON HOUSE FLOOR

The Speaker's policy announced on September 27, 1995, will continue through 108th Congress.

The SPEAKER. A recent misuse of handouts on the floor of the House has been called to the attention of the Chair and the House. At the bipartisan request of the Committee on Standards of Official Conduct, the Chair announces that all handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the name of the member authorizing their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate or inserted in the RECORD. Failure to comply with this admonition may constitute a breach of decorum and may give rise to a question of privilege.

The Chair would also remind Members that, pursuant to clause 5 of rule IV, staff are prohibited from engaging in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Staff cannot distribute handouts.

In order to enhance the quality of debate in the House, the Chair would ask Members to minimize the use of handouts.

#### 8. USE OF EQUIPMENT ON HOUSE FLOOR

The Speaker's policy announced on January 27, 2000, as modified by the change in

clause 5 of rule XVII in this Congress, will continue. All Members and staff are reminded of the absolute prohibition contained in the last sentence of clause 5 of rule XVII against the use of a wireless telephone or personal computer upon the floor of the House at any time.

The Chair requests all Members and staff wishing to receive or send wireless telephone messages to do so outside of the chamber, and to deactivate, which means to turn off, any audible ring of wireless phones before entering the Chamber. To this end, the Chair insists upon the cooperation of all Members and staff and instructs the Sergeant-at-Arms, pursuant to clause 3(a) of rule II, to enforce this prohibition.

#### REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY. Mr. Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed its duty.

Ms. PELOSI. Mr. Speaker, I support the majority leader's comments.

#### MORNING HOUR DEBATE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that during the first session of the 108th Congress: number one, on legislative days of Monday, when the House convenes pursuant to House resolution, the House shall convene 90 minutes earlier than the time otherwise established by that resolution solely for the purpose of conducting morning hour debate; and, number two, on legislative days of Tuesday when the House convenes pursuant to House resolution (a) before May 19, 2003, the House shall convene for morning hour debate 90 minutes earlier than the time otherwise established by that resolution; and (b) after May 19, 2003, the House shall convene for morning hour debate one hour earlier than the time otherwise established by that resolution.

And, three, the time for morning hour debate shall be limited to 30 minutes allocated to each party, except that on Tuesdays after May 19, 2003, the time shall be limited to 25 minutes allocated to each party and may not continue beyond 10 minutes beyond the hour appointed or the resumption of the session of the House; and, four, the form of proceeding to morning hour debate shall be as follows: the prayer by the chaplain, the approval of the Journal, and the Pledge of Allegiance to the Flag shall be postponed until resumption of the session of the House; initial and subsequent recognitions for debate shall alternate between the parties; recognition shall be conferred by the Speaker only pursuant to lists submitted by the majority leader and by the minority leader; no Members may address the House for longer than 5 minutes, except the majority leader,

the minority leader, or the minority whip; and following morning hour debate, the Chair shall declare a recess pursuant to clause 12 of rule I until the time appointed for the resumption of the session of the House.

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

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

#### EDDIE MURRAY AND GARY CARTER TO BE INDUCTED INTO NATIONAL BASEBALL HALL OF FAME

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

Mr. BOEHLERT. Mr. Speaker, I have the high honor and privilege of announcing that on Sunday, July 27 in Cooperstown, New York, baseball's mecca, the newest class of greats will be inducted into the National Baseball Hall of Fame. Today at 2 o'clock, the Baseball Writers Association of America announced that greats Eddie Murray of the Baltimore Orioles and Gary Carter of the New York Mets will consist of the class of 2003. You are all invited to Cooperstown, New York, on July 27.

#### REMEMBERING JOE REMCHO

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

Ms. HARMAN. Mr. Speaker, this past weekend I lost a dear friend and law school classmate and Californians lost a true champion of public interest and civil liberties. Joe Remcho died tragically in a helicopter accident. He will be sorely missed. I met Joe in law school 37 years ago. We became quick and close friends. After law school we took different paths, but both reveled in politics, public interest, and public policy. Joe became an acknowledged expert in first amendment, election law, and civil liberties. As a rookie lawyer, he represented soldiers in Saigon during the Vietnam War and later worked as a staff attorney and lobbyist for the ACLU in San Francisco and Sacramento.

He became an advisor to many public officials, including California Governor Gray Davis, Senator DIANNE FEINSTEIN, and me and was sought after for his skill, his decency, and his common sense. His advocacy greatly influenced the redistricting process in California, and he brought numerous cases involving voter initiatives, term limits, and campaign finance.

Legal titan that he was, I will remember Joe as quiet and self-effacing,

a truly decent individual who eschewed headlines and publicity. He always had time to give advice to his friends, often pro bono. Recently, he helped me with a small, but important, family issue.

People like Joe are rare, but their impact great. Joe Remcho's legacy will inspire young lawyers for years to come. To his family, friends, clients, and other classmates, my family extends our deepest condolences.

#### HONORING FORMER CONGRESSMAN WAYNE OWENS

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor the dedication and the life of a dear friend of this great Chamber, former Congressman Wayne Owens. Wayne Owens was an energetic Member who served the American people faithfully for four terms. As a member of the International Relations Committee on which I serve, Wayne Owens reached across the political aisle, committing himself to the peace process in the Middle East.

As the founder of the Center for Middle East Peace and Economic Cooperation, Wayne Owens brought together different leaders from the Middle East in his tireless pursuit of a just, lasting, and comprehensive peace.

Mr. Speaker, many were touched by Congressman Wayne Owens. I want to extend my deepest condolences to his wife, Marlene, their two children, their grandchildren, and to all of his family and friends. Wayne will surely be missed.

#### CELEBRATING JOHN COLLINS'S BIRTHDAY

(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, today is a historic day. It is a day that for the first time an Italian American, a Californian, a woman, was nominated for Speaker; but it is historic for me for another reason. Today my son, John Collins, has turned 18 years old, and this is the first time I have ever been away from him on his birthday. He insisted that I come to Washington today. He said I would be letting the country down if I did not come to vote for NANCY PELOSI. And so I took his advice.

I wanted to celebrate my son's birthday because he is well known to many Members of Congress. He has spent many hours on this floor teaching Members how to use the computers, arguing politics, policy, and philosophy. He is a wonderful young man. I am immensely proud of him, and I am so glad that he has reached this milestone, his 18th birthday and adulthood.

#### REMEMBERING JOE REMCHO

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, it is with a deep sense of sadness today that I rise to express my sense of sorrow upon learning of the death of a great lawyer, a courageous civil libertarian, a constituent, a very valued and very supportive constituent, a devoted husband and father, Joe Remcho.

I had the privilege to know Joe for many years and benefited from his advice, his counsel, and his steadiness. Joe had a keen intellect, a gentle heart, and a passion for justice. He took on difficult cases because he believed in the correctness of the cause, not in the glory of the moment. Joe Remcho was a humble man. He was a humble human being who exemplified all of the values we hold so dear.

My heart is very heavy today. We have lost an unsung hero to an untimely and sad and tragic death. His family—his wife, Ronnie, and his children, Morgan and Sam, have lost a great husband and father. To his family and to all of those who are close to Joe, I just want to say may he rest in peace. We send our condolences. May God bless him.

#### JOINING IN HONORING THE MEMORY OF JOE REMCHO

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I want to join my colleagues from California in honoring the memory of Joe Remcho, who was a great attorney in our State and who pled cases before the Supreme Court there very successfully. His daughter, Morgan, has been an intern in my office. So I know the values that this family shares and how committed they were to public service and for improving the lives of everyone in our country. Our sympathies go to every member of Joe Remcho's family. He was highly respected in the State of California. His death is a tragedy for many of us. He will be sorely missed, and I hope it is a comfort to his family that so many people share their loss and are praying for them at this sad time and that his passing has been recorded by the California Members of Congress in this very distinguished House of Representatives.

#### JOINING IN HONORING THE MEMORY OF JOE REMCHO

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, I also want to add my voice to those of the other Members who have spoken regarding the death of Joe Remcho. We will miss him greatly. He served the people of California well. As long as I can remember during my stint in the Senate, Joe Remcho has been there,

representing us at every level of the justice system. He was a determined, an experienced, and a knowledgeable attorney. His accidental and untimely death shall be regretted by all the people of California as well as those that he worked with. We mourn him, but we salute him as a lawyer who represented us at the highest level of performance. We extend our deepest sympathy to his family.

□ 1630

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). 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.

#### THE MEDICARE FRAUD PREVENTION AND ENFORCEMENT ACT OF 2003, THE FAMILY AND MEDICAL LEAVE CLARIFICATION ACT OF 2003, AND THE ENERGY AND SCIENCE RESEARCH INVESTMENT ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce three bills that address issues affecting our health care system, our workplace, and the future of science research in the United States.

Topping our agenda as we begin this first day of the 108th Congress are the serious challenges facing our Medicare system: enacting a prescription drug benefit for seniors and providing fair and adequate reimbursement for physicians, hospitals, and care facilities in my home State of Illinois and across the Nation.

So the first bill that I introduce today is one that will make it easier to provide this funding by cracking down on the waste, fraud, and abuse that drain more than \$12 billion a year from the Medicare system.

The Medicare Fraud Prevention and Enforcement Act of 2003 will put an end to that theft. It will strengthen the Medicare enrollment process, expand certain standards of participation, and reduce erroneous payments. Perhaps most importantly, it gives criminal investigators at the Department of Health and Human Services the Federal law enforcement tools to help them pursue and prosecute health care swindlers.

The time to modernize Medicare is not next week, not next month or next year; the time is now. But true reform will not be achieved without first protecting Medicare from fraud and scandalous exploitation.

The second bill I introduce today, the Family and Medical Leave Clarification Act of 2003, will make a good act work even better for our Nation's

workers and employers. What do I mean by that? Well, since its enactment in 1993, the Family and Medical Leave Act, or FMLA, has brought peace of mind and job security during critical times to thousands of workers and their families. That is a good thing. But along with this good thing has come the bad: conflict with existing workplace policies, misinterpretations, and misapplications of the law, intrusions into the privacy of employees, and other consequences that were never anticipated or intended by Congress. While none of us would say that FMLA is broken, all of us, employees and employers alike, must recognize that it should be fixed.

How will my bill fix the unintended and unwanted consequences of FMLA?

First, it clarifies what is now regarded as a confusing definition of a "serious health condition."

Second, it allows for employees to request leave time in blocks of at least 4 hours so that they have enough time to take care of their business without feeling rushed to return to the office. At the same time, it cuts down on the paperwork that employers must process and the intrusive questions they must ask employees before granting leave.

Third, it allows employers to require employees to choose whether to take unpaid leave under FMLA or a paid leave of absence under a collective bargaining agreement. It provides an incentive for employers who offer sick leave to continue to do so while providing a disincentive for those who are considering termination of such employee friendly plans.

The FMLA Clarification Act is a reasonable measure and fair response to many of the concerns raised by workers and employers around the country. I urge my colleagues to join me in supporting it.

Last but not least, I introduce today the Energy and Science Research Investment Act, which recognizes the urgent need to finance and manage well our Nation's basic research initiatives.

Over the past 5 years, Federal funding for medical research has nearly doubled, yet funding for research in the physical sciences has remained stagnant at 1990 levels.

The Energy and Science Research Investment Act will provide additional resources to the Department of Energy's Office of Science and make organizational changes that will enhance the accountability and oversight of energy research and science programs at the DOE.

Mr. Speaker, I thank those who have signed on as original cosponsors of these bills, and I urge others to join us in becoming cosponsors of these three key measures.

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

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

#### THREAT REDUCTION IMPLEMENTATION ACT OF 2003

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

Mr. SCHIFF. Mr. Speaker, earlier today, I introduced the Threat Reduction Implementation Act of 2003, granting the President permanent waiver authority over Nunn-Lugar Cooperative Threat Reduction certification requirements to prevent dangerous delays in this critical defense program. Unnecessary restrictions and delays in funding Nunn-Lugar put Americans at risk of potential attacks using smuggled Russian chemical, biological, or nuclear weapons technology or material.

The terrorist attacks of September 11 fundamentally changed the way we think of national security and protecting the homeland. Unlike adversaries of the past, our enemies today not only utilize untraditional weapons in their war of terror, but also are seeking access to new and even more destructive weapons, such as chemical, biological, and nuclear weapons.

Twelve years ago, the Nunn-Lugar Cooperative Threat Reduction Program was born out of the necessity to ensure that the nuclear arsenal of the Soviet Union would not fall into the wrong hands as the Soviet empire was coming apart. While much has been done to dismantle these weapons, continuing economic and social weaknesses in Russia, coupled with an eroding early warning system, poorly secured Russian weapons materials, and poorly paid Russian weapons scientists and security personnel, increase the threat of mass destruction on an unprecedented scale.

Unfortunately, every year opponents of the CTR program wage a campaign to slow down or even block funds for the continuation of U.S. efforts in Russia to monitor and reduce weapons-usable nuclear material and other weapons of mass destruction. While accountability and oversight are necessary to make sure that Nunn-Lugar funds are serving their intended purpose, recurrent delays owing to outdated certification requirements have proven detrimental to our ability to protect the homeland.

During the fiscal year 2003 Defense authorization and appropriation debates, the administration requested permanent waiver authority over many certification requirements in order to permit elements of the program to go forward. After a drawn out debate, conferees ended up granting a 3-year waiver on the Nunn-Lugar certification requirements and a 1-year waiver for the construction of a chemical weapons construction facility in Shchuchye, Russia. Avoiding lengthy and unnecessary delays in the Nunn-Lugar program

and specifically with the chemical weapons elimination project in Russia, it is in the strong national interest of the United States and justifies granting the President permanent waiver authority. With the weapons at Shchuchye reportedly able to kill the world's population some 20 times over, the continued, insecure existence of these highly dangerous and portable weapons is a direct threat to the American people.

Securing Russia's arsenal is a massive challenge, but not an impossible one. While the cost of a terrorist attack on the United States involving Russian expertise or smuggled Russian nuclear, chemical, or biological weapon materials are potentially staggering, funding for the simple measures that can prevent these attacks is both sensible and urgent. Robust, uninterrupted funding of this very critical program would accelerate the progress of reducing these attacks on the United States and help the Russian Federation secure its weapons stockpile.

Although the President has broad authority to use force in the war on terrorism, ironically he is significantly constrained in using cooperative means to destroy these weapons of mass destruction. Granting the President permanent waiver authority over Nunn-Lugar certification requirements will avoid dangerous delays in this critical defense program and prevent Russia's weapons of mass destruction from falling into the wrong hands.

Mr. Speaker, I want to thank my colleagues, the gentleman from South Carolina (Mr. SPRATT), the gentlewoman from California (Mrs. TAUSCHER), the gentleman from Texas (Mr. EDWARDS), the gentleman from New York (Mr. CROWLEY), the gentleman from Washington (Mr. McDERMOTT), the gentleman from California (Mr. BERMAN), and the gentleman from Massachusetts (Mr. FRANK), who joined me today as original cosponsors of this bill. I would like to also thank Senator RICHARD LUGAR and former Senator Sam Nunn for their foresight and leadership on this issue. I look forward to working with my colleagues during this Congress on this very important homeland security issue.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### HISTORIC MOMENTS FOR THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-McDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I am sure that my colleagues join me in welcoming the 54 new Mem-

bers to this august body and the returning Members who are charged with helping to chart the course for these new Members, knowing that they have a very complex and awesome responsibility. But, Mr. Speaker, today has been an historic day for us. We have seen, for the first time ever a woman, a Democratic woman, whose name was put in nomination for the Speakership of the U.S. House of Representatives, and another woman who became the chairwoman of the congressional Republican Conference. Those are historic moments for us, Mr. Speaker, and as the Democratic chair of the Women's Caucus, I am very much envious of this momentous occasion that has brought these two women front and center to leadership roles.

So as we convene this 108th Congress, we should also pause to look at the other historic notes that were taken today in this esteemed body, as we convened with two sibling pairs of Members that have come to this House. The SANCHEZ sisters from California and the DIAZ-BALART brothers from Florida will serve simultaneously as teams in this Congress, representing diverse districts on opposite coasts of this great country. My esteemed colleagues, with their formidable backgrounds, are all accomplished in their own rights, coming from immigrant families and immigrant backgrounds who have truly lived the American dream with hard work, as productive members of society, giving back and serving the people of their communities. They have now been elected to the U.S. Congress.

The senior sister, the gentlewoman from California (Ms. LORETTA SANCHEZ), has an MBA from American University and is an accomplished businesswoman, assisting municipalities and private companies in strategic planning and capital acquisition. The State of California selected her to independently review the financial status of Orange County's first toll road to save about \$300 million in financing costs. The junior sister, the gentlewoman from California (Ms. LINDA SANCHEZ), with her law degree from UCLA, was a civil rights lawyer and labor activist heading up the Orange County AFL-CIO.

The senior brother, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), has a law degree from Cleveland, Ohio's Case Western Reserve University, which he used to provide free legal service to the poor. The junior brother, the gentleman from Florida (Mr. MARIO DIAZ-BALART), served in the Florida State Legislature for 14 years before being elected to serve in this Chamber.

Mr. Speaker, let us welcome all of these outstanding freshman Members, these pairs of siblings who have come to serve their respective districts, but who have made history, along with the two outstanding women, and may we all embrace them as they take their rightful roles. I know that all of us salute the Latino community, because

they are proud of today's historic events, as well as all Americans are proud of these pairs of siblings.

#### LEGISLATIVE ISSUES

The SPEAKER pro tempore. 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, happy New Year, and congratulations to all of my colleagues for the beginning of the 108th Congress.

I believe that we have an opportunity as we serve in the United States Congress to make things better and, therefore, I would like to speak this afternoon on the attempt to honor some who I believe have made this world a better place. So today I will be filing a resolution to express the sense of Congress for a commemorative postage stamp in honor of the late George Thomas "Mickey" Leland, one of our colleagues who fought so valiantly to avoid hunger in this world. As I stand here, we are recognizing the emerging famine in Ethiopia, which was one of the reasons that Congressman Leland was in Ethiopia in 1989, to be able to thwart the enormous hunger that that Nation was facing. It will be our challenge in this Congress to honor him, but to as well take up the cause that he so valiantly attempted in his work to avoid or to stamp out hunger in the world.

□ 1645

I hope, as we look at the funding and the issues before us, we will not forget that we are in fact our brothers' and sisters' keepers.

In addition, I am filing today a resolution to name the Department of Veterans Affairs in Houston Hospital as the Michael E. DeBakey Department of Veterans Affairs Medical Center. Michael E. DeBakey, a famous and renowned heart surgeon, was also a renowned, valiant fighter for America in World War II. So we believe that this would be an appropriate honoring of such an outstanding leader.

I also intend to file today a bill that will emphasize more mental health services for children and to provide more support for our community mental health centers around the Nation. We lost a valiant soldier on behalf of the mental health needs of this Nation last year, our dear friend, former Senator Paul Wellstone. In his honor I believe that we should continue to fight for the equality of health care as it relates to mental health services, and particularly I believe that we should advocate for the children of this land to have access to mental health services.

Over the last couple of years, as the co-Chair and Chair of the Congressional Children's Caucus, my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and myself have tried to focus on the needs of children in America. It has been appalling to

watch in several States the tragedy of lost children by the children's protective services.

I have already filed a bill dealing with infant abandonment in hospitals, and also the question of hospitals attending to the information or trying to find family members of abandoned children that may be left, or newborn babies that may be left in hospitals. We will be looking to file a bill dealing with and addressing the question of children's protective services across the Nation.

Let me first of all say that there are many who do good work as part of the system of protecting our children in States across the Nation. Let me applaud those individuals. Particularly, I would like to cite the Harris County Children's Protective Services that had worked with me so valiantly on the issue of baby abandonment and other child protection issues.

But when there is fault and error, when there is a circumstance such as that that generated the loss of life of a 7-year-old boy in New Jersey, and the starvation of two very young children, we need to address the question of accountability by our children's protective services across the Nation.

So I will be filing legislation to require an accounting of the children that are under their jurisdiction, an annual reporting, and a knowledge of whose possession those children are in. Our children are our most precious resource, and therefore we need to include legislation to protect them at every opportunity that we have.

Mr. Speaker, I will also be filing two private bills, and have filed them, one dealing with Gao Zhan, an outstanding academic from China, who still at this point has not received her citizenship. She was held against her will in China just a few months ago. We are delighted that she is released, and her husband and son are citizens; and I hope we will consider her plight.

Let me also say, Mr. Speaker, that I am filing a private bill on behalf of the Kesbeh family, who have been in this country for almost 12 years and have made every effort to become citizens, and in fact have a 9-year-old daughter. We hope that under the laws of this land their case can be considered and that we will treat them fairly under our laws.

Mr. Speaker, I believe we are here to work, and I hope that my colleagues will join me in supporting the legislative initiative that I have put forward and, as well, that we will find compromise and opportunity to work with those who are unemployed and to provide an outstanding economic stimulus package.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 23. An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.

#### S. RES. 1

*Resolved*, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communications he may be pleased to make.

#### S. RES. 2

*Resolved*, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

#### S. RES. 5

*Resolved*, That the House of Representatives be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

#### S. RES. 9

*Resolved*, That the House of Representatives be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

#### TRIBUTE TO THE HONORABLE WAYNE OWENS, FORMER MEMBER OF CONGRESS FROM UTAH

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 2003, the gentleman from Utah (Mr. CANNON) is recognized for 60 minutes as the designee of the majority leader.

Mr. CANNON. Mr. Speaker, as dean of the Utah delegation, it is my sad duty to announce to the House the passing of the Honorable Wayne Owens, a former Member of this body and a good friend to many of us.

Wayne died unexpectedly just before Christmas of a massive heart attack while walking on the beach in Tel Aviv, Israel, at the conclusion of a peace-seeking trip to several countries in the Middle East. He was only 65 years old.

That Wayne Owens would be involved in that kind of activity as his life ended is no surprise to those of us who knew him. He spent a significant part of his life trying to bring about accommodation of the interests and passions plaguing that part of the world.

Wayne Owens served in this House from 1973 to 1975 and again from 1987 to 1993, representing the people of the Second District of Utah. His political career inspired a generation of young people with his political idealism. He was a Democrat and he and I differed on many policy issues, but we never disagreed on the need for the involvement of the electorate, and especially young people, in the art and science of making law. In fact, I might say that while we disagreed on almost every issue, he was never, and I hope I also was never, disagreeable.

In the House, Wayne served on the Committee on the Judiciary, and we had parallel careers in that he inves-

tigated one Republican President and I, early in my career, investigated another Democratic President. Later, he served on the Committee on Foreign Affairs, and it was his service there that led to his lifelong concern for the people of the Middle East and to his efforts to mediate their conflicts. He created the Center for Middle East Peace and Economic Cooperation to assist in that effort.

At the funeral service held for Wayne Owens, Gordon B. Hinckley, president of the Church of Jesus Christ of Latter Day Saints, said of him: "Any man who is engaged in the cause of peace is engaged in the cause of Christ. By that measure, Wayne was a true Christian."

The world is poorer for his passing. I join my colleagues in extending to his wife, Marlene, and his children and grandchildren our deepest sympathy for his loss, and our profound respect for their husband, father, and grandfather. We will miss him.

#### GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that Members have 5 days to submit tributes to their former colleague.

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

There was no objection.

Mr. CANNON. Mr. Speaker, I yield to the gentleman from New York (Mr. HINCHAY).

Mr. HINCHAY. Mr. Speaker, I thank the gentleman for yielding to me, and thank him for providing me an opportunity to express my deep affection and respect for Wayne Owens and his memory.

I can say that we were very good friends, even though our tenure here in the House of Representatives did not coincide. He was leaving for the second time, actually, as I was coming in in 1993; but we were associated by virtue of the fact that we were interested in similar issues. Two of those issues most principally were the protection and preservation of open space in the State of Utah and peace in the Middle East.

It was because of the initiative of Wayne Owens that I became the sponsor of a very significant piece of legislation here in the House of Representatives which would set aside a vast amount of publicly owned land in the State of Utah to be incorporated within that property owned by the Federal Government which is declared wilderness; in other words, affording it the highest level of protection for today and for future generations.

Future generations is what Wayne Owens often had in mind, whether he was working on environmental issues or working with young people in his own State of Utah or elsewhere. He was also, as we all know, dedicated to the idea of bringing about peace in the Middle East between Israelis and Palestinians and others in that part of the world.

He first developed this intense interest as a result of his missionary work

for the Mormon Church. He was, of course, a devout Mormon, and had, as all Mormons do, performed significant missionary work on behalf of the Mormon Church. It was in that cause that he first became intimately acquainted with the details and difficulties of the circumstances that prevail, and that have prevailed, for some time in the Middle East, and which led him to establish the Center for Middle East Peace, which later became the Center for Middle East Peace and Economic Development.

As the director of that center, he led many of us in this Congress on numerous trips to that part of the world, at least for two reasons: to better acquaint Members of Congress with the circumstances that prevail in Israel and the surrounding area, and also to enlist us in his work to bring about a peaceful settlement to the political difficulties that prevail there.

With Wayne Owens I have had the opportunity to be in Israel on numerous occasions; also in Beirut, and in Damascus; throughout the southern Mediterranean: in Tunisia and Morocco, Egypt, Algeria; and throughout the Saudi Arabian Peninsula and the Gulf States, as well.

Always, Wayne was well received by the political leaders of all of those countries. They were well acquainted with him, they liked him personally, they understood the devotion and intensity that he brought to his work, and they respected him deeply for all of that.

So whenever any of us traveled with Wayne, we were always treated well by everyone with whom we came into contact, not only because we were Members of the Congress, but also because we were traveling with Wayne Owens, who they knew and respected in the way that I have just described.

I and everyone who knew him were deeply shocked at his loss, by the suddenness of his death. He was a man of such energy and vitality we all could not help but think that he would go on for a long, long time doing the very good work that he has done. It is still hard to believe that he has been taken from us in the midst of his work; but so it is, and so we miss him and respect him.

I believe that all of us will continue to show that respect by continuing our devotion to the cause to which he in fact devoted his life, and that is, the cause of bringing peace to the Middle East.

I thank Wayne Owens, and I want to also at this moment express my deep appreciation to his wife and his family, who suffered, I guess is the best way to put it, his work. They allowed him to carry it on. They knew he was doing, in effect, the Lord's work. He was doing work that they appreciated and understood. I want to express my appreciation to his wife and family for allowing him to do all the good things that he did.

We miss him very, very deeply, we admire him, and we feel deeply his loss.

Mr. CANNON. Mr. Speaker, I first would like to thank the gentleman from New York (Mr. HINCHEY) for his comments. He and I worked closely together on issues that he has picked up on, public lands in Utah, from Mr. Owens; and I want to thank him for his kind words to our colleague.

Mr. Speaker, I yield to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, I thank the gentleman for yielding to me. It is with a heavy heart that I rise today to honor an outstanding visionary leader, former Member of Congress, and dear friend, Wayne Owens. Today is a sad day in the Middle East and here in our own country, not only because violence and terror continue unabated, but also because one of the greatest believers and promoters of peace in the Middle East has passed. That man was Wayne Owens.

It is with profound respect, admiration, and sadness that I wish to pay tribute to him today.

□ 1700

In my tenure as a Member of Congress I have traveled with Wayne to the Middle East on numerous occasions, witnessing firsthand his remarkable ability to bridge the gap between international leaders and promote dialogue, understanding and accord.

Wayne was the quintessential peacemaker because he never wavered in his steadfast dedication and commitment to the future of the Middle East. His expertise on this issue was the focus of his professional life, from his years in the House of Representatives, to his time as the President and driving force behind the Center for Middle East peace. Wayne's unique efforts promoted understanding and communication in a time of great uncertainty and despair in the Middle East. At a time when hostility, hatred and terror permeated current events, Wayne would travel to the epicenter of the conflict to encourage diplomacy and peace.

At a time when no one could envision a resolution to the most contentious issues in the Middle East, Wayne consistently offered creative answers and an optimistic spin. At a time when doors began to close in the region, Wayne dedicated the end of his life to opening the channels of peace, bringing American ideals to the region, and offering a glimmer of hope to leaders and people in the Middle East.

Wayne Owens was a truly remarkable man who leaves behind a legacy of compassion, leadership and hope. Wayne was a beautiful soul, an extremely kind man who loved his family and cherished life dearly. I wish to convey my deepest condolences to his wife Marlene and the rest of Wayne's family and offer my wholehearted sympathy at this most difficult time. Wayne's contributions to history will be forever remembered as will his unyielding dream of harmony and peace. Wayne, you will be missed by those who care for you, and I consider myself one that

thinks of you like a brother, an older brother, a very dear person and we will all miss you very, very much.

Mr. CANNON. Madam Speaker, I want to thank the gentleman from Florida (Mr. WEXLER) for his kind words.

I will submit for the record a statement by the gentleman from California (Mr. BERMAN). If I may take a moment to summarize what the gentleman from California (Mr. BERMAN) said. His ideas are important.

The gentleman from California (Mr. BERMAN) served with Mr. Owens in the House and pointed out in his comments that Mr. Owens was remarkable for the broad range of issues with which he dealt.

He goes on to say that Mr. Owens was a very effective legislator, and after he left Congress that he was deeply involved in the Middle East peace process. One of the reasons why he was so effective, according to the gentleman from California (Mr. BERMAN), is that all sides accepted him as an honest broker. And finally, he never stopped believing that peace was possible even in the most difficult times recently in the Middle East.

Madam Speaker, I yield to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Madam Speaker, I thank the gentleman from Utah (Mr. CANNON) for all he has done in organizing these words today on the floor for Wayne Owens.

I just wanted to rise today to say a few words about Wayne Owens and his service to the United States of America. He was a fine public servant. Many will talk and some have already about his tireless efforts for Middle East peace, but Wayne had an extensive legislative record here in the House of Representatives. He fought tirelessly to restore endangered species across the West. And the issue that I specifically would like to talk about today is his bringing justice to the Colorado plateau uranium miners.

Wayne saw this as a situation with the Colorado uranium miners that had to have justice be brought to the situation. And what happened is these uranium miners went into mines on the Colorado plateau, worked in very dangerous, dirty air mines. There were high radon levels, as the gentleman from Utah (Mr. CANNON) knows. He has worked on this very issue. The government knew these levels were very high. Government doctors did reports and doctors issued studies, but nobody told the uranium miners that there was really a problem. And so many years they continued to work in these uranium mines, 10 or 15 years in these dirty air mines.

As many of us know, when you contract radon in a uranium mine and it is at high levels what ends up happening is 10 or 15 years down the line you get lung cancer, and that is in fact what happened on the Colorado plateau, an epidemic of lung cancer. Lawsuits were brought on behalf of these uranium



miners but many of them were unsuccessful. My father was one of the ones, Stewart Udall, that brought many of the lawsuits and represented the miners. He just told me the other day when we learned of Wayne's death, he said, if it had not been for Wayne at that particular point when the miners lost their lawsuits, when the families were discouraged, when they thought there was going to be no justice, it was Wayne Owens that picked up the fight. And he went out and held hearings and he involved TED KENNEDY and BARNEY FRANK and the Committee on the Judiciary and brought justice to this situation by helping pass a piece of legislation known as the Radiation Exposure Compensation Act. And many families today in Utah and across the Colorado plateau are now in much better shape because of Wayne Owens' efforts on that piece of legislation.

All of us here in the House of Representatives, I believe, miss Wayne very much and miss his contributions. We want to give our heartfelt condolences to his wife Marlene and his family, and we want to thank Wayne for his service, his great service to the country.

Mr. CANNON. As the gentleman from New Mexico (Mr. UDALL) knows, my first job as a lawyer, Madam Speaker, was with his father working on these very cases that we are talking about. It was one of the great experiences of my life, and it is one of many of the areas where Congressman Owens and I had a great deal in common.

I came to represent many of the people who were effected by the radon from the uranium mines. In fact, there is a whole town of widows, Minersville, Utah, which was part of my district until recently. So this has been a very important part of my life and one of reasons I appreciate the life and service of Mr. OWENS.

Madam Speaker, I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Speaker, I thank my friend and colleague from Utah for yielding to me. I knew Wayne, particularly having had the opportunity to travel to the Middle East with him, and one thing that struck anyone who got to know him was how profoundly proud he was of having served in this institution. He served as an aide to Bobby Kennedy and to others. He worked in a number of political campaigns. Politics was his life. But he saw politics as an instrument to do good, to make lasting and positive change.

His colleagues from Utah have talked about the environmental progress that he was able to achieve. He did any number of things in bringing diverse groups together. But I have to believe as his lifelong career pursuit, at least the latter part of his life, was dedicated to bringing about peace in the Middle East. He founded the Center for Middle East Peace and Economic Cooperation.

He took a great many risks, not just personally and politically, but even

physically. He had tremendous courage. That courage came from the personal belief in what he was doing. He put his own safety far below the importance of what he knew needed to be done in bringing about peace and reconciliation in one of the world's most conflicted parts. He found ways to build bridges. He loved people on both sides and found that commonality and worked on that commonality.

And I want to quote from somebody that not only founded the Center for Middle East Peace and Economic Cooperation but was a very close friend of Wayne's, an intimate friend of Wayne's. They shared objectives. They loved each other. And that is Danny Abraham. Danny sent out a letter from the Center for Middle East Peace and Economic Cooperation. I want to quote from it. He says with regard to Wayne, "He was respected, loved and cherished by all who knew him. Wayne's single-minded devotion to continued dialogue and peace between Israelis and Arabs in the Middle East, even in the most challenging of circumstances, gave us the hope and courage we could have never found on our own. Wayne never faltered from his dream that one day Israelis and Arabs would live in peace and he had the magic, the gift of nurturing that dream in everyone he met. My beloved friend Wayne was a true servant of peace and he lived and died serving humanity. May Wayne Owens' life, his dedication and belief in us not be wasted. Together we must recommit ourselves to the pursuit of peace."

That will be Wayne's legacy, to help us recommit ourselves in the pursuit of the noblest objectives that he committed his life to. Again I want to thank my friend and colleague from Utah (Mr. CANNON). Let us memorialize Wayne in the actions that we take to further the vision that he had for peace, not only in the Middle East but throughout the world.

Mr. CANNON. Madam Speaker, I would like to thank my friend and colleague, the gentleman from Virginia (Mr. MORAN), for his kind words with regard to my dear friend, Mr. Owens.

Madam Speaker, I would like to yield to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Madam Speaker, I thank the gentleman for yielding to me. I had just before Christmas returned to Florida from a 10-day trip to the Middle East with Wayne Owens and the gentleman from North Carolina (Mr. PRICE), who will speak shortly, as well as Danny Abraham with the Center. And I wanted to start by thanking Wayne's family and the people of Utah for sharing him with us, citizens of the United States, Members of Congress, the many people who were touched by Wayne.

Wayne was a wonderful husband, a wonderful father, a wonderful citizen and he gave so much because the people of Utah saw fit to send him to Congress to equip him with the knowledge that he used through the last minute of his life.

Wayne was one of the most selfless people I had met who served in this body. He had a wonderful sense of humor, a very strong sense of conviction, and something that I really came to appreciate more in the most recent trip to the Middle East, just a certain genius about him, a remarkable level of insight into people, people of all kinds, people who never could have been in the same room with one another, on different sides of the Israeli-Palestinian conflict, on different sides of other issues that separated us from countries like Syria and Saudi Arabia.

But Wayne truly believed in people and I think did his best to see the best in everyone he met and to draw that out, and I think that Wayne played a very important role in the diplomacy of this country in having some painfully direct and difficult conversations with the heads of states in some of these Arab nations and having some very frank and constructive conversations with the officials in the Israeli government.

Wayne Owens knew an awful lot about the Middle East and really would have been entitled to have been incredibly very cynical about what is happening over there right now, even hopeless, as many well-intentioned wise people are. But Wayne, like a lot of leaders who have made this country great and the world great, was an incurable optimist, and he til his dying day never stopped radiating the hope that he had that the better angels, as Abraham Lincoln would have put it, of all the people he had come in contact with would ultimately prevail, and that the United States would in the end play an important role in bringing about peace and tranquility in the Arab-Israeli dispute.

I always thought to myself that if there ever had been or could be an election to choose the mayor of the Middle East, my candidate would have been Wayne Owens. In the last trip that the gentleman from North Carolina (Mr. PRICE) and I took, at every major airport we passed through in the Middle East, Wayne ran into people that knew him, respected him, who loved him, who had not seen him in 10 years because Wayne was one of those people that you never forgot.

I have to say that as a United States citizen, I was proud and will always be proud not just to call Wayne Owens my friend and someone who has helped develop me, but someone who I think represented the best things about our country in a part of the world where people are judging us very carefully, to see what we are made of and whether we really live up to the things that we say our country stands for because Wayne represented the very best of this country.

□ 1715

He has set a standard for diplomacy that we will all have to work very hard to live up to.

Wayne Owens' untimely death on the shores of Tel Aviv is tragic but perhaps



the place where Wayne would have chosen, in between the United States, his beloved home of Utah, and on the shore of a country he loved dearly.

Wayne's tragic, premature death gives us another reason to do what Wayne Owens would have asked us to do if he were standing here today, and that is, to recommit ourselves to peace in the Middle East, to serve as an honest broker, to stand for the values that have helped this country get to where it is today, to bring about a Palestinian state that respects the security of Israel, to help the Palestinians find a way to govern themselves, bring the terror to an end and give the Israelis the chance to live the dream they have always had in that part of the world.

Let us renew ourselves to the cause of peace in the Middle East. It is another way that we can honor Wayne Owens, and I want to thank the gentleman from Utah (Mr. CANNON) and the gentleman from Utah (Mr. MATHESON) for all the things they have done in Utah today and will be doing in the future to honor Wayne Owens, and we are all blessed in that.

Mr. CANNON. Madam Speaker, I thank the gentleman from Florida, and I would now yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Speaker, I thank the gentleman for calling this Special Order today and for his and the gentleman from Utah's (Mr. MATHESON) efforts to make certain colleagues have an opportunity to pay tribute to our dear friend Wayne Owens.

Madam Speaker, Wayne Owens bade the gentleman from Florida (Mr. DAVIS) and me farewell on December 17th after we had traveled through the Middle East together for 7 intense days. He planned to take that same flight the next evening. But the next day Wayne suffered a massive heart attack, collapsed and died while walking on the beach in Tel Aviv.

Our shock and consternation upon hearing the news a mere 24 hours after he had put us on that flight were acute, but these emotions were widely shared among Wayne's many friends, the Utah constituents he served during two distinguished stints in the United States House of Representatives, and the admirers of his path-breaking work since 1989 with the Center for Middle East Peace and Economic Cooperation.

Wayne's background included 6 years of service for the Church of Jesus Christ of Latter Day Saints, including work as a missionary in France. In Washington, he served on the staffs of Senators Frank Moss, Robert Kennedy, and EDWARD KENNEDY. He gave up his House seat for an unsuccessful Senate race in 1974 and then returned to the House in the class of 1986, where I and others in that class came to know him as an accomplished and supportive colleague.

He left for another Senate run in 1992 but in the meantime had found his true calling in his work in the Middle East.

This was hardly a predictable path in terms of his personal and professional background, but it was one to which he was drawn by his experience on the House Foreign Affairs Committee, his friendship with Daniel Abraham, with whom he organized the Center for Middle East Peace in 1989, and by his vision of what a small, independent and creative organization might achieve in this political and policy thicket.

Wayne, Danny Abraham, and the various Middle East hands and political leaders working with the Center were actively involved in the discussions leading to the Madrid and Oslo agreements, and they found numerous ways of encouraging the Israeli-Syrian and Israeli-Palestinian negotiations of the 1990s. Wayne was haunted by the knowledge of how close to resolution those efforts had come only to collapse into distrust and violence. He had few illusions about the obstacles to getting peace negotiations back on track. Still he persevered, always looking for the openings, the confluences of interest, the glimmers of hope that could be acted and built upon. He was one of the most determined and dedicated persons I have ever known.

Wayne's approach was mirrored in the trip we took in December. We met with the heads of state in Syria, Lebanon, and Israel, demonstrating again the remarkable access and the relationships of respect that Wayne and the Center had developed across the political spectrum in Israel, in the Palestinian community, and in most Arab states. But many of our visits were more narrowly targeted to learn about and to encourage promising initiatives that are under way.

For example, we met in Cairo with Chief of Intelligence General Omar Seuliman regarding the next round of cease-fire talks to be brokered by Egypt among Hamas, Fatah, and possibly other groups. We then visited chief Palestinian Authority negotiator Abu Mazen on the day it was determined that he would personally attend this second round.

We met with Palestinian Authority Finance Minister Salam Fayyad regarding financial and budget reform, where there has been enough progress to allow the U.S. to broker the release of a first installment of Palestinian Authority revenues impounded by Israel.

We talked with Sari Nusseibeh, head of Jerusalem Affairs for the PLO, about the back-channel, unofficial peace initiatives undertaken by him and others.

Wayne specialized in discussions of these sorts, which bore witness to his remarkable understanding of the politics of the region and of the many facets of peacemaking, his conviction that fact-finding for himself or others required diverse sources, and his realization that the encouragement offered, the feedback given, the information exchanged, in such off-the-record sessions could be significant.

As a middle-ranking member of this House, I have found such repeated visits, and my work with Wayne and the center generally, invaluable as a source of information and insight and as an avenue for engagement.

Wayne was passionately committed to the security and integrity of Israel and to justice and self-determination for the Palestinians. He understood well the relation between those two and the unlikelihood of forward movement without persistent American engagement.

The achievement of a comprehensive peace among Israel and its neighbors is a compelling cause in its own right, but it is one given additional urgency by the need for regional cooperation and support in combating terrorism and in disarming Iraq.

With Wayne Owens' passing, we have lost one of our country's most determined and resourceful contributors to this cause. It is critically important for those of us who understand the value of his work to find ways to carry it forward.

Mr. CANNON. Madam Speaker, I thank the gentleman from North Carolina for his kind comments and now yield to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, let me first thank the gentleman from Utah and all of his colleagues from Utah for bringing this resolution to the floor, for their wonderful and warm words about Wayne Owens; and I wish to extend my condolences to his family, his wife, Marlene, his five children and 14 grandchildren.

Unlike many in this Chamber, I was only privileged to know Wayne Owens a very short time; but in the weeks since he has died, I have learned a great deal about this man and his career, how he campaigned in 1972 by walking his entire district, about his courageous vote in the Judiciary Committee to impeach President Nixon, about his commitment to environmental protection which was way ahead of its time, and such a tribute to the land he represented in Congress.

I came to know Wayne Owens because of his work on another important issue, the cause of Middle East peace. As a Member of Congress and as a founder of the Center for Middle East Peace, Wayne Owens never lost sight of his dream, that one day Israelis and Arabs would put down their weapons and take up the mantle of peace.

Because of Wayne's decency and fair-mindedness, he was a rare Middle East expert with credibility in the American Jewish and the American Arab communities. He was respected by Israelis and Palestinians alike.

Wayne Owens was the right messenger with the right message, that it is in the United States' interests to vigorously pursue peace with Israelis and Palestinians; that the cycle of unspeakable violence, illustrated so horribly just 2 days ago in Tel Aviv, will only be broken through a negotiated

settlement; that Israelis deserve to live in security, and Palestinians in dignity, side by side in two sovereign states.

How touching it was that Wayne Owens passed away while accompanying these two of our colleagues who have just spoken on one of his countless missions to the region, that he passed away on the soil of the land he loved so much.

In my last conversation with Wayne, we agreed that I would travel with him to the Middle East early this year, and although we will not take that trip together, I hope to honor, in my own way, the memory of this great man and his legacy by continuing on this path. That path will bring us to the day when we can take up and we will wake up to the dawn of Middle East peace.

I thank my colleagues again for remembering their cherished colleagues in this fitting tribute. He did the State of Utah proud. His legacy gives pride to our Nation, and his message of negotiated settlement for peace gives hope to our world.

Mr. CANNON. Madam Speaker, I thank the gentlewoman for her kind words. It dawned on me during her discussion that Congressman Owens has been away from this body for 8 years; and yet many, many people have taken time at an awkward hour, on an important day, to express their appreciation for him and his work, and I hope that this is the kind of thing that his family will appreciate and understand and understand the depth of the value he brought to this institution.

Madam Speaker, I would yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam speaker, I want to thank the gentleman from Utah (Mr. CANNON) very much for his leadership in assembling this tribute this evening on behalf of our beloved colleague Wayne Owens who passed, as others have said, in Tel Aviv, as a witness for peace, and I would like to encourage my friend, the gentleman from Utah (Mr. CANNON), to consider perhaps in Congressman Owens' memory that we, on a bipartisan basis, might create, as the gentlewoman from California (Mrs. CAPPS) has very wisely suggested, a Middle Eastern study group oriented toward peace in that region and to do so on a bipartisan basis, naming it after Congressman Owens who showed us the way in that troubled and war-torn region of the world.

He was walking the path to peace and peace requires heroes and it requires heroics; and Wayne Owens, for our Nation, is such a hero. My heart goes out to his wife, Marlene, his five children, two sisters, a brother, 14 grandchildren who truly have a hero to admire.

At age 65 he did not have to go on that painstaking journey, 7 days of intensive work, trying to find those keyholes to peace, and yet he did that. He could have been living a comfortable life in some condo on some ski slope enjoying himself, but his whole life showed that Wayne Owens was not afraid of hard work.

In 1989, he cofounded the Center for Middle East Peace and Economic Cooperation here in our Nation's capital and established working relationships with leaders from Jordan, Egypt, Israel, Palestine, Saudi Arabia and was making a difference for all of us as the world and our own country is perched on the verge of war in that region. He was trying to show us a different path.

He was not afraid of hard work in his own life. I mean, from the time he washed dishes to work his way through school, to walking across his own State in the entire second congressional district and winning election here, this was a man who endured and who rose above common effort to heroic level to try to help the world, to remove from the television every evening those terrible images of death in the Middle East that infect every child in every nation on Earth, certainly our own.

To his family, may I please extend the deepest sympathy of the people of our community. I had the great honor of being able to work with Wayne in our efforts here to find a peaceful road in the Middle East. I am forever indebted to him, to the organization that he founded and to the friendships that he made on both sides of the aisle that helped us find a better way forward.

As mission president for the Church of Jesus Christ of Latter Day Saints in Montreal, Canada, for 3 years, Wayne Owens took his own peace quest to a much higher level and took it to ground zero in the battle for peace in the Middle East.

□ 1730

Madam Speaker, I will place in the RECORD an article that was in Roll Call this week in his honor and also thank the gentleman from Utah very much for yielding to me this evening.

#### FORMER REPRESENTATIVE OWENS DIES

(By Bree Hocking)

Wayne Owens, a relentless advocate for Arab-Israeli peace and former Democratic Representative from Utah, died Dec. 18 while walking on a beach in Tel Aviv.

Owens, who was 65, succumbed to a massive heart attack while traveling with a Congressional delegation to the region.

The four-term Congressman served in the House from 1973 to 1975 and from 1987 to 1993, representing the Salt Lake city area.

During his Congressional career, he made two unsuccessful bids for the Senate. In 1974, he lost to Republican Jake Garn and in 1992 he was defeated by Sen. Bob Bennett (R-Utah). He also ran unsuccessfully for governor of the Beehive State in 1984.

A devout Mormon, Owens served as president of the Montreal mission for the Church of Jesus Christ of Latter-day Saints in the mid- to late 1970s.

Despite his liberal credentials—he was the Western states coordinator for the presidential bids of both Robert Kennedy and now-Sen. Edward Kennedy (D-Mass.), and also was a staffer to the later Kennedy—Owens was admired by Members from both sides of the aisle for his tireless work for peace in the Middle East. In 1989, he cofounded the Center for Middle East Peace and Economic cooperation and served as its president.

Owens attended the University of Utah, latter earning a law degree from that institution.

He is survived by his wife, Marlene, five children, two sisters, a brother and 14 grandchildren.

Mr. CANNON. Madam Speaker, I thank the gentlewoman from Ohio. If I might make a couple of comments on things she said.

I was thinking during this discussion that Mr. Owens spent a tenth of his life as a Mormon missionary. That is a remarkable commitment. Three years as a missionary and another 3 years as a mission president for the Church of Jesus Christ of Latter Day Saints.

In addition, the gentlewoman mentioned he could have easily spent his time on a ski slope. And in fact, in Utah, with all due respect to some of the other States who pretend, we actually have the best skiing in the world. So he could easily have taken advantage of that.

In fact, I was talking to the gentleman from Wisconsin (Mr. OBEY) a few moments ago, who will speak in a couple of minutes, in fact I think he is next, and he mentioned how healthy Wayne was. The fact is he was a healthy, robust, happy, thoughtful person who could have spent his life skiing or doing other things that he would have enjoyed and I know he did enjoy. But rather than do that, he chose to do things that were difficult, that were very difficult, and, frankly, very important.

Madam Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I thank the gentleman for yielding to me. I was horrified to learn of Wayne Owens' death last week when I was at C-SPAN, just about to go on their morning program, and saw the news come across the bottom of the screen that Wayne had died the day before.

Wayne and I were neighbors when I was first elected to Congress. He and his wife lived right next door to my wife and I in Arlington in rented homes. He was then chief staff assistant to Senator KENNEDY. I got to know Wayne first as a friend and then I got to know him as an even stronger friend when he became a colleague of so many of us in the House. And after he left this House, as has been mentioned, he devoted a good deal of his time to the cause of peace, especially in the Middle East.

He was a strongly religious man. He prided himself on being a Christian and he took the responsibilities that come with that very seriously. One of those responsibilities, in his view, was the obligation that all of us have as the more comfortable members of the human race on this planet to reach out to try to help those who are not in such comfortable circumstances. He would have been appalled to see the lack of a sense of shared sacrifice that so often permeates what political leaders do these days.

But he never forgot his obligations to himself, to his maker, and to his fellow man to take into account always the needs of others. He was one of the least

selfish human beings I have ever known, and he believed passionately that in the Middle East, the center of so many of the world's religions, that there ought to be a way to bring the parties closer to each other to avoid the violence and bloodshed that has plagued that region of the world for so long.

He is a tremendous loss not just to his family, but to all of us who took daily inspiration from his lack of cynicism and his profound human decency.

I thank the gentleman very much for holding this special order, and I appreciate also the comments of my colleagues in tribute to this wonderful man.

Mr. CANNON. Madam Speaker, I thank the gentleman from Wisconsin. I did not think about it until he spoke, but it occurs to me that he did not spend a tenth of his life doing missionary work, but when we consider the religious zeal he brought to the Middle East, it was probably more like two-tenths or a third of his life in these difficult and selfless aspirations.

Madam Speaker, I now yield to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Madam Speaker, I want to thank my colleague, the gentleman from Utah (Mr. CANNON).

I first met Wayne Owens when I was 12 years old. He was running for Congress in 1972 in the State of Utah and he took the State by storm. He walked over 700 miles during that campaign. And the walking was not just a gimmick. The walking was an indication of the fact that Wayne Owens genuinely, genuinely wanted to get to know the people of whom he was asking for a vote and the people who he was going to represent.

I think throughout his life, with all of the great goals that Wayne tried to achieve and the big picture and the big items he pursued, he never lost that notion of relating to the individual person, to the common man. That is something we here in this House should remember as we look back on Wayne's life.

I had the opportunity to be a campaign manager for Wayne Owens during one of his elections. It was an exceptional opportunity, a challenging opportunity, because Wayne, again, always liked to dream big and he would ask a lot of the people who worked for him. He pushed people beyond what they thought they could do. And as someone who was rather young at the time, I got to be a campaign manager, and that was something that was a significant development in my own life. So I considered Wayne a friend, a mentor, I considered him my Congressman, and I am pleased to occupy the Second Congressional District office that Wayne once represented so well.

When Wayne came to Congress the first time he happened to be on the Committee on the Judiciary, and he was involved in the impeachment process with then President Nixon. That was an exceptional period in Wayne's

life. It was a time when he had invested so much time and effort in terms of examining that issue because he understood the gravity of the situation. This was not a partisan effort. And I remember talking to Wayne about the stories of when he actually voted out those articles of impeachment, about he and his colleagues walking out of the room with tears coming down their faces because they recognized what a difficult circumstance that was for this country.

I think that was one instance where Congress behaved in a professional way, and it showed the strength of this country that we were able to move on from that circumstance, and Wayne Owens was an important player in that process.

It was mentioned earlier about how he advocated for victims of radiation exposure. When Wayne was not in Congress, when he was an attorney, he represented victims of radiation exposure, the widows of the miners that worked in the uranium mines, the people who were told this was safe when it was not. And that work in private life is another example of a guy who acted in the context of service, and when he got to Congress he continued with that and pushed ahead with the Radiation Exposure Compensation Act.

This was a critical issue that forced the Federal Government to acknowledge it had lied to people and exposed people to dangerous radiation through open air testing of nuclear weapons in southern Nevada and also through the uranium mining activities; an important issue for people throughout the Colorado plateau.

As I have gone through these comments, what strikes me is the fact that Wayne Owens was a guy who always had big goals and big objectives, whether it was trying to address a wrong that the Federal Government had committed and force them to admit culpability, whether it was other issues we have heard about today, like pursuing peace in the Middle East, whether it was pursuing a tremendous change in public lands policy in Utah, with Wayne's vision of a wilderness designation in that State. And there were other big goals and lofty dreams that Wayne Owens pursued, some of which are successful today, and some of which the work is going to go on past Wayne's activity in regard to those issues. Significant issues.

I could go on and on. The Central Utah Water Project, a project that had been involved with Federal funding for many, many years but it was going in the wrong direction. Wayne was part of a group that pulled people together from the sportsmen community, from the conservation community, from the agriculture community, and they completed the Central Utah Water Project as a Member of Congress in 1991, a significant issue that moved the State of Utah forward.

That is the Wayne Owens I am going to remember, a guy who would dream

big and would relentlessly and tirelessly pursue issues. But what I will also remember is what I pointed out at the start of these comments. This was someone who was incredibly genuine and would listen to people and took the public trust very seriously. It is the type of approach to the job that I think we can all learn from, and I think we can do no better activity to honor Wayne than to follow in that way in terms of how we approach this job.

Mr. CANNON. Madam Speaker, I thank the gentleman from Utah (Mr. MATHESON) for his kind words and for his help in organizing this event for Congressman Owens, who preceded him sometime ago in his Second District of Utah.

The last time I spent some time with Wayne Owens was the evening of one of the sniper attacks in northern Virginia here and the freeways were shut down. Wayne and I flew in together and shared a taxicab into town and I had the pleasure of spending 2 hours with him.

The nice thing is the government only paid the normal fee because we split the taxicab fee, but it was one of the more pleasant periods of time I have spent. We talked about many issues and talked about many things. We talked about the issues we had worked together on and the issues we disagreed on. It was a fine experience from my perspective.

The gentleman from Utah (Mr. MATHESON) mentioned that Wayne Owens was a person who caused you to work. I worked for Wayne Owens when he was a professor of law and I took a class from him. I worked against him in some of his campaigns. I was wondering about the 12-year-old and whether I was actually engaged or not. I think, in fact, I am a little older than the gentleman from the Second District, and will have to do the math later to see who had known Mr. OWENS longer. He was a dear friend for as long as I can remember.

We did work against each other on campaigns. We both suffered through a remarkable experience of investigating a President, and he and I developed a deep bond of shared experience there. We both worked together on the downwinders issue. That was my first job in law school, was working on that issue with the father of the gentleman from New Mexico (Mr. UDALL), Stewart Udall. And it was wonderful that Wayne picked that up and made that work.

We both shared a deep, deep love for the beautiful public lands of Utah. He traveled those lands, I traveled those lands, yet we had very distinct differences on how those should be managed. We shared a kinship, however, based upon one of the things that became a hallmark of his life, and that was, from my perspective, wonderful. He was a friend.

I am richer from my experience in knowing Wayne Owens, and we as an institution and as a country are poorer

for his passing. I would like Marlene and the children and grandchildren to know how much we cared for him. I hope that this hour that we have spent talking about him will help them understand the deep, deep effect he had on our lives and on the course of American history, on the course of how we deal with our public lands and how we deal with individuals.

Mr. BERMAN. Madam Speaker, I rise to pay tribute to the life and work of Wayne Owens and to send my regards and sympathy to his wife, Marlene and his children and grandchildren.

I had the privilege of serving with Wayne in the House, and I quickly developed a great admiration for his hard work, integrity and dedication to good public policy. We served together on the House Foreign Affairs Committee, where he focused his attention on the Middle East.

Wayne was active on a broad range of issues, and while he spent much of his career focused on weighty matters of international affairs, he never lost sight of the issues that mattered most to people in his home state of Utah.

Wayne was a very effective legislator, and he earned the great respect of Members on both sides of the aisle for his willingness to put politics aside and tackle the important issues of the day.

After Wayne left Congress I continued to have the pleasure of working with him on the Middle East peace process.

As President of the non-profit Center for Middle East Peace, Wayne worked tirelessly to promote continued dialogue between Arabs and Israelis in the Middle East. His goal was to help build economic interaction between Israel and her Arab and Palestinian neighbors and through that work, to support and promote the peace process. He spent much of the last decade meeting with leaders in the region trying to foster peace through economic development.

He was very effective in this role because all sides accepted him as an honest broker.

Even over the last couple of years, when many others gave up hope that Israelis and Palestinians would ever be able to resolve their differences, Wayne continued his work to find common ground.

He was often frustrated—as we all are from time to time—and he understood the realities on the ground, but he never stopped believing that peace was possible.

We will sorely miss Wayne, and his dedication and creativity. As we work toward a just, lasting, and comprehensive peace in the Middle East, may we remember Wayne's life and works and let every action we perform be a tribute to his memory.

Mr. ISSA. Madam Speaker, I rise tonight to remember the life and work of former Congressman Wayne Owens. I did not know Wayne when he was a member of this body: I met him two years ago when he came to my office asking me to support the Middle East peace process.

Wayne's tireless commitment to Middle East peace, his willingness to reach across party lines, to go anywhere, and to talk to anyone, has been a source of inspiration to all who believe that Arabs and Israelis will one day live together in peace and security. He was a study in moderation and tolerance, a compas-

sionate man who believed that all people deserve to be treated with respect and dignity. Wayne was also a true patriot. He loved his country and he believed that our values of freedom, prosperity, and tolerance should be shared with the entire world, particularly the Middle East.

But what makes this moment most painful for me is that Wayne Owens was my friend. He was a true champion of peace, and he lived and died serving humanity. He will be missed dearly.

#### THE ECONOMY

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, I take to the floor this evening for the first day of the new Congress basically to talk about the economy and my concern about the fact that the Republican majority, President Bush and the Republican majority now in both the House and the other body, really are not doing anything, in my opinion, to address the downturn in the economy, the loss of jobs, the loss of production.

It is of a great deal of concern to me and I know to my constituents. This is their number one concern, what is this Congress and what is this President going to do to turn the economy around. Today is a very important day in that regard, because the President today, in Chicago, we understand, is unveiling his economic stimulus package, what he claims will be the answer to try to revive the economy. Every indication that we have had so far, as Democrats, is that his proposal will not do anything significant to turn the economic situation around, will not create more jobs. It is primarily a plan that benefits the wealthy, the corporate interests, and does very little, certainly very little in the next year or two, that would make any difference in terms of the economic situation in the United States and the world.

Sometimes I think that the White House and the Republican leadership in both Houses here would like us to think that the situation is not that bad and so maybe we do not have to do much in Congress because the economic outlook really is not that bad. Let me assure them that that is certainly not the case. It certainly is not the case with my constituents in New Jersey and it certainly is not the case with any of my fellow Democrats that I talked to today or in the last couple of days since we have returned and since the swearing in.

Just to give some idea, and I will not talk too long about this, Madam Speaker, but since January 2001, when President Bush first took office, private sector employment has been reduced by 2.1 million jobs. The number of jobs that have been lost in that period now, which is essentially 2 years, is over 2 million in the United States.

□ 1745

If we look at other indicators, business investment since the first quarter of 2001, that is down 10 percent. If I look at the budget outlook, that has deteriorated by \$5 trillion since January 2001.

I do not need to show the statistics. Members are aware that the stock market has declined considerably, unemployment is up, the budget surplus that existed during the Clinton administration which was the first time in almost 20 years that we had actually turned around a budget deficit and we had a budget surplus, and that meant that we were paying down the debt and more jobs were being created and Americans had more money and long-term interest rates were down because of the surplus. In the last 2 years during the term of this Republican President, we have seen that situation go the other way. We now have a budget deficit that is something like \$150 billion, and we anticipate that it will only get worse.

It is only going to get worse unless something is done in this Congress to turn it around. The sad thing is when I listen to some of the suggestions that have been coming out of the White House in the last few weeks, including today, I am concerned that their proposal continues this country down the path of larger tax cuts for the wealthy, for corporate interests, and larger deficits that are only going to make the economic situation worse instead of better.

One of the things by way of background that really bothers me in terms of what comes out of this Republican White House is the notion that somehow the recession began under the previous administration and that the recession is not a product of the Bush administration. Again, let me give some information on that. The National Bureau of Economic Research, Business Cycle Dating Committee, and this is a direct quote, "In November 2001, the committee determined that the peak in business activity occurred in the United States economy in March 2001." A peak marks the end of an expansion and the beginning of a recession. The determination of a peak date in March is, thus, a determination that the expansion that began in March 1991 ended in March 2001, and a recession began in March of that 2001.

So essentially we had 10 years of increased economic activity, of growth, and that ended in March of the first year that President Bush took office after a 10-year expansion that included the entire time that President Clinton was the President of the United States. I do not come here because I want to talk about who did this or who did that, but the bottom line is for Members to suggest that we are not in a bad situation economically today, by any indicator we clearly are, and clearly this recession began under President Bush and has only gotten worse in the 2 years he has been in office.

Now what is the President proposing and why is he proposing what he is proposing today? Well, he claims that he is trying to put together an economic stimulus package that essentially will turn the economy around, create more jobs, get consumer spending up and improve the business cycle.

If we look at what he actually has proposed, it is more of the same. It is more tax cuts, permanent tax cuts primarily for the wealthy. He thinks that he is going to turn the stock market around by a full exclusion of dividends; but, the bottom line is, again, that is only going to help wealthy people.

Media reports on possible elements of the administration's package include the following: full exclusion of dividends from individual taxation; acceleration of marginal tax reductions from the 2001 tax cut; acceleration of child credit increase from the 2001 tax cut; more corporate tax cuts; and possibly some State fiscal relief rumored at \$10 billion. But if we look at what the President is proposing today, it will primarily mean more of the same, more tax cuts and more benefits for the wealthy and for corporate interests, and it will balloon the Federal deficit. It will cost up to \$6 billion over 10 years with more than 80 percent of the cost after 2003.

I think what we are going to see from this administration is essentially more deficits, larger deficits, more money going to the wealthy, and very little, if any, short-term stimulus to the economy that will turn it around. Members do not have to believe me, though. I do not like to get in the well and just talk about what I think. I like to talk about what other third-party commentators have been saying about the President's plan; and I wanted to mention this evening, and I may read all or parts of two comments that were in the New York Times today in reaction to what has already come out about the President's tax proposals and the President's so-called economic stimulus package.

The editorial in today's New York Times is particularly revealing, and I will read parts to give Members an idea why I think what they are saying is so true. The title is "The Charles Schwab Tax Cut." It begins: "The Bush administration never met a domestic problem that tax cuts couldn't cure, and today in Chicago the President is planning to call for more of the same. The centerpiece of Mr. Bush's new economic plan is to eliminate the tax on dividends that will cost the Treasury about \$30 billion over the next decade. In a theoretical world, ending the dividend tax might make sense. Unfortunately, we live in the real one, where it's the wrong move at the wrong time for the benefit of the wrong people.

"Ending the dividend tax cut will not provide the economy with a short-term stimulus, the ostensible goal of the plan. Investors won't be seeing their savings until 2004."

Eliminating the dividend tax, admittedly, has something to commend it,

but as became all too apparent in the financial bubble of the late 1990s, the Tax Code currently contains some perverse incentives for companies to become overly indebted and to manipulate their short-term stock price, instead of paying dividends as a form of prudent profit sharing.

The editorial continues: "If Mr. Bush's mind had been on the long-term economy rather than on politics, he might have listened to the advice of his former Treasury Secretary, Paul O'Neill, and dropped the idea of further tax cuts altogether. But Mr. O'Neill is a former Treasury Secretary for a reason. The President cannot afford to look indifferent to the problems of average Americans in a sluggish economy. These days average Americans own stock, although most of it is in tax-sheltered retirement funds."

This is what they say in conclusion, and I think it is important: "Ending the dividend tax is something almost nobody has been crying out for, except the megabroker Charles Schwab, who made a pitch for it at the economic summit meeting at Waco last summer. The President happened to drop in on the panel on which Mr. Schwab was speaking and pronounced it a good idea. It may turn out to have been one of the most expensive courtesy calls in modern history."

What the New York Times is essentially saying and what the Democrats are saying is that this elimination of the tax on dividends is going to cost the Federal Government a tremendous amount of money, \$300 billion over the next 10 years, but it is not going to do anything to actually put money back into the pockets of consumers. It is not going to create any new jobs. It is not going to provide any real incentive for companies to start new production and create more jobs, do any investment in new production; and all it does is give another huge tax break primarily to very wealthy individuals who own most of the stock. How is this a stimulus? How is this in any way going to help the economy?

I wanted to talk about what the Democrats have in mind, and then I want to give some third-party validation of what we have proposed. Over the last month, the House Democrats have gotten together and basically thought about what needed to be done to try to give some short-term stimulus to the economy, to create jobs, to put more money in people's pockets, to turn things around.

We came up with a set of principles initially, and then yesterday we revealed our actual plan. I think the principles are important and need to be repeated before I mention some of the specifics of the plan.

The principles say any economic stimulus plan should, first, be front loaded and fast acting; second, avoid a mushrooming deficit in the long term; third, boost consumer demand and investment; fourth, help States through their fiscal straits; five, spur the econ-

omy by funding homeland defense; and, last, devote every penny to short-term stimulus.

We are not interested in looking right now at how something is going to impact 10 years from now. We need to get people back to work. We need to put money in consumers' pockets, and we need to make sure whatever we do does not have any ballooning effect and create more of a deficit down the road in 2 or 3 years.

What the Democrats have proposed in that regard is very detailed, but I wanted to just go over some of the more important points, if I could. With regard to individuals in terms of individual tax cuts, basically we are proposing essentially a rebate that Americans get back 10 percent of what they earned in 2001 up to \$6,000 of wages for a couple. This rebate is paid from the Treasury, not from the Social Security trust fund, because one of the other concerns that I have and all of us have as Democrats is not only do we do not want to increase the deficit, but we also do not want to delve into the Social Security and Medicare trust funds and aggravate the deficits that potentially could exist long term in those trust funds. We want to make sure that those trust funds have a surplus and that the money is available for Social Security and Medicare for senior citizens in the future. So our rebate plan does not tap any of the Social Security or Medicare trust funds.

Let me give a little more detail about what the Democrats have in mind. The Democratic plan is \$130 billion as opposed to the Republican plan, which is \$600 billion. Now the \$130 billion is a smaller plan because, again, we do not want to increase the deficit. We are trying to do everything in 2003 to stimulate the economy and not cause long-term deficits. But even with the \$130 billion stimulus, we can create as many as a million jobs, increase consumer spending, and help States out of their fiscal straits because if the States have to significantly cut back on their budgets, that is going to be taking more money out of the economy and could also aggravate the problem in terms of Americans losing their jobs and not having money to spend. We have to address the States as well.

The Democratic plan calls for a 26-week extension of unemployment benefits and a tax rebate of up to \$300 per person, \$600 per couple. It would also permit businesses to increase their write-off on new investments and provide \$31 billion to State and local governments to help defray the cost of domestic security, Medicaid, highway projects and other programs.

Just a little more detail because I do not want to get into all of the details tonight, but in addition to extending the unemployment benefits and offering a tax rebate, the plan would allow small businesses to write off up to \$50,000 of the cost of new investments made in 2003 as opposed to the current maximum write-off of \$250,000. The

plan would also permit companies to depreciate 50 percent of the cost of new plants or equipment in 2003; current law permits them to depreciate only 30 percent.

So we have a program that helps individuals by extending unemployment insurance for at least 26 weeks. We have a program that puts money back in consumers' pockets with the rebates that I mentioned, and we have a plan that helps small businesses, which is the backbone of our economy, to grow and invest in new production and create more jobs.

Lastly, we have an answer that we think can make a difference for the States: as I said, \$31 billion in State aid. The plan would give \$31 billion to States which as I said are struggling with these budget shortfalls, a one-time increase in the Federal share of Medicaid payments amounting to \$10 billion. It would also give them \$10 billion in grants to help them pay for domestic security needs like airport protection and public health preparedness, as well as \$5 billion in Federal aid for highways and \$6 billion for critical State needs to help those most hurt by unemployment and the lackluster economy.

□ 1800

So, as I said, Madam Speaker, the idea is to help individuals, help small businesses, and help the States. But all of it is designed specifically for the year 2003 to turn the economy around, to provide a stimulus, to create jobs. It is really a job creation program. If you look at what the Democrats have proposed, it is a job creation program. If you look at what the Republicans have proposed, it is a stock market-oriented program. And we know about the volatility of the stock market. I would venture to say that it is highly speculative. Even the White House will say that their dividend plan will not necessarily result in a significant increase in the stock market's performance. Yet they continue to make the highlight of their economic stimulus plan related to eliminating the tax on dividends.

Again, I always say that rather than just listen to me, I would like to have some third-party validator of what I have mentioned this evening in the brief time that I have talked about the need for an economic stimulus. I saw an article, an op-ed that was in today's New York Times, also, by Paul Krugman. He basically criticizes the President's proposal and he talks about the Democratic alternative in a very succinct way. I would just like to read some sections of that now and include the op-ed in its entirety in the RECORD, if I could, Madam Speaker.

It says:

Here's how it works. Faced with a real problem—terrorism, the economy, nukes in North Korea—the Bush administration's response has nothing to do with solving that problem. Instead it exploits the issue to advance its political agenda.

Right now a sensible plan would rush help to the long-term unemployed, whose bene-

fits—in an act of incredible callousness—were allowed to lapse last month. It would provide immediate, large-scale aid to beleaguered State governments, which have been burdened with expensive homeland security mandates even as their revenues have plunged. Given our long-run budget problems, any tax relief would be temporary, and go largely to low- and middle-income families.

That is what the Democrats want to do. What does Paul Krugman say?

Yesterday House Democrats released a plan right out of the textbook: aid to States and the jobless, rebates to everyone. But the centerpiece of the administration's proposal is, of all things, the permanent elimination of taxes on dividends.

So instead of a temporary measure, we get a permanent tax cut. The price tag of the overall plan is a whopping \$600 billion, yet less than \$100 billion will arrive in the first year. The Democratic plan, with an overall price tag of only \$136 billion, actually provides more short-run stimulus.

And instead of helping the needy, the Bush plan is almost ludicrously tilted toward the very, very well off. If you have stocks in a 401(k), your dividends are already tax-sheltered; this proposal gives big breaks only to people who have lots of stock outside their retirement accounts. More than half the benefits would go to people making more than \$200,000 per year, a quarter to people making more than \$1 million per year.

Even the administration's economists barely pretend that this proposal has anything to do with short-run stimulus. Instead they sell it as the answer to various other problems.

I do not want to keep reading, but the point I am trying to make is very simple. What the President appears to have done, and I do not necessarily want to give him bad intentions, is rather than doing a real economic stimulus that is going to have a short-term impact on the economy, turn the economy around and create jobs and put money back in people's pockets, he is trying to simply make more tax cuts primarily for the wealthy, for the corporate interests that are the primary backers of the Republican Party. And he does not even care about the fact that on a long-term basis this is only going to increase the deficit. I just cannot believe that this is the President's and the Republicans' answer to this economic downturn.

I think that as Democrats, we have to do whatever we can over the next few weeks to bare this proposal for what it really is and to make it absolutely clear that this is not going to do anything to turn the economy around.

Madam Speaker, I include the following for the RECORD:

[From the New York Times, Jan. 7, 2003]

AN IRRELEVANT PROPOSAL

(By Paul Krugman)

Here's how it works. Faced with a real problem—terrorism, the economy, nukes in North Korea—the Bush administration's response has nothing to do with solving that problem. Instead it exploits the issue to advance its political agenda.

Nonetheless, the faithful laud our glorious leader's wisdom. For a variety of reasons, including the desire to avoid charges of liberal bias, most reporting is carefully hedged. And the public, reading only praise or he-said-

she-said discussions, never grasps the fundamental disconnect between problem and policy.

And so it goes with the administration's "stimulus" plan.

Boosting a stumbling economy ("It's Clinton's fault!" shouted the claque) isn't rocket science. All a sensible plan must do is focus on the present, not the distant future; on those who are suffering, not on those doing well; and on those who are most likely to spend additional money.

Right now a sensible plan would rush help to the long-term unemployed, whose benefits—in an act of incredible callousness—were allowed to lapse last month. It would provide immediate, large-scale aid to beleaguered state governments, which have been burdened with expensive homeland security mandates even as their revenues have plunged. Given our long-run budget problems, any tax relief would be temporary, and go largely to low- and middle-income families.

Yesterday House Democrats released a plan right out of the textbook: aid to states and the jobless, rebates to everyone. But the centerpiece of the administration's proposal is, of all things, the permanent elimination of taxes on dividends.

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And instead of helping the needy, the Bush plan is almost ludicrously tilted toward the very, very well off. If you have stocks in a 401(k), your dividends are already tax-sheltered; this proposal gives big breaks only to people who have lots of stock outside their retirement accounts. More than half the benefits would go to people making more than \$200,000 per year, a quarter to people making more than \$1 million per year. ("Class warfare!" shouted the claque.)

Even the administration's economists barely pretend that this proposal has anything to do with short-run stimulus. Instead they sell it as the answer to various other problems. (It slices! It dices! It purees!) Above all, it's supposed to end the evil of "double taxation."

Now lots of income faces double taxation, in the sense that the same dollar gets taxed more than once along the way. For example, most of us pay income and payroll taxes when we earn our salary, then pay sales taxes when we spend it. So why has it suddenly become urgent to ensure that dividends, in particular, never be taxed more than once!

That is, if they're taxed at all. In practice, the Bush plan would exempt a lot of income—rich people's income—from all taxes. Thanks to the efforts of lobbyists, today's corporate tax code has as many holes in it as a piece of Swiss cheese, and today's corporations take full advantage. Case in point: Between 1998 and 2001 CSX Corporation, the company run by the incoming Treasury secretary, John Snow, made \$900 million in profits, but paid no net taxes—in fact, it received \$164 million in rebates. This wasn't exceptional; the average tax rate on profits has fallen to a nearly 60-year low.

Anyway, even to debate the pros and cons of dividend taxation is to play the administration's game, which is to change the subject. Weren't we supposed to be talking about emergency economic stimulus?

No doubt the final version of the "stimulus" plan will contain a few genuine recession-fighting measures—a child credit here, an unemployment benefit there, a few crumbs for the states—for which the administration will expect immense gratitude. But



the man in charge—that is, Karl Rove—is clearly betting that the economy will recover on its own, and intends to use the pretense of stimulus mainly as an opportunity to get more tax cuts for the rich.

Ideology aside, will these guys ever decide that their job includes solving problems, not just using them?

I yield to my friend from Oregon.

Mr. DEFAZIO. I appreciate the gentleman coming to the floor to try and explain the differences between these two critical plans. I happen to represent a part of the State of Oregon which has the highest unemployment rate in the United States of America and a part of the State which is particularly hard hit and am very concerned about an effective economic stimulus package. Representing a district with a high and enduring unemployment rate, I do not find that the elimination of the tax on dividends is very high on the agenda of anybody that I meet with in my district and how we are going to put people back to work and how we are going to get the economy rolling again.

I share the gentleman's concerns. Certainly there are some interesting arguments to be made about how best to properly tax corporate profits and/or dividends which result from them, but if one looks underneath that whole issue, we find that many profitable corporations do not pay taxes and, therefore, the dividends are not being double-taxed in any way or form whatsoever. And also many of the individuals who realize these dividends are not the people who are unemployed or are worrying about their future or how to put food on the table for their kids. In fact, as the gentleman said earlier in the discussion, more than two-thirds of the benefits will accrue to people with incomes over \$100,000 a year. The question becomes, is that an effective economic stimulus?

Let us see. A year from now, people will begin to file their taxes, probably most of the folks who clip coupons and dividends would be a little later in the year, so maybe 15 months from now some of those people who earn over \$100,000 a year would realize an additional savings in their taxes or maybe a refund which would come in April or May or June and somehow that is going to provide an economic stimulus in the year 2003 when that does not happen until the year 2004? Beyond that, there is a whole issue of is this not a revisiting of trickle-down economics? If we give a little bit more to the people who are already doing relatively well, or in some cases very well, will they not spend that money in a way to put people back to work? I think there are some real questions about that, but it is at least more artfully presented than it was years ago under the Reagan administration. They are avoiding the words "trickle down."

But as the gentleman discussed, there are alternatives out there. We could certainly look at, as an alternative, things that are going to have a more immediate impact on the econ-

omy of the United States and put more middle- and low-income families back to work or on a more secure economic footing. If we look at, from my perspective on the Transportation Committee, the Nation's incredible underfunding of infrastructure, in my State alone, again the State with the highest unemployment in the union, has discovered that because of construction techniques used for the interstates back in the sixties, we have a \$4 billion bridge problem on I-5, the most vital interstate-international link on the western corridor between Mexico, California, Oregon, Washington and Canada. That is something, in a State in as deep a recession as we are, that is beyond our capabilities. We need some additional help from the Federal Government. We know what the problems are. We could get people to work within months, as soon as the contracts could be let on making those repairs. Critical water. There are a whole host of infrastructure needs, rail, bridges, highways, water, that would put people back to work and would provide secondary benefits to suppliers and small businesses in the communities where the workers would be. All these things would certainly have a much more direct economic impact than a tax break to people who are concerned about the taxation on their dividends that would accrue to them some 16 or 18 months from now. Hopefully by then this issue will be behind us.

The President's plan, of course, is so extraordinarily expensive. I mean, more than half of the President's entire plan is devoted to the concern about people who pay taxes on dividends as opposed to his rather small benefits for people on unemployment. We need a much more robust extension there. We need more worker retraining. There are other issues that could be debated. Whether or not we should have some sort of tax holiday on part of the FICA tax. More than half the families in America pay more in Social Security and Medicare taxes than they do in income taxes to the Federal Government. So if we could provide some relief there but not short the Social Security fund by putting that money back in; the States, as the Democrats have proposed, to provide to the States.

We have heard for years from that side of the aisle, Federal mandates, no unfunded Federal mandates. A whole host of new ones have come down, including the Leave No Child Behind Act and the testing that is required, yet there is no additional money flowing from the Federal Government; yet the States and particularly my State is strapped and the President's tax proposal would actually take money from the States, \$4 billion for the exemption of dividends, so States again would not be able to get taxes from those most well off and would be forced to either cut benefits for everybody else on programs, or essential schools, on health care, or they would have to raise taxes

again on the remaining smaller tax base.

I applaud the gentleman for taking the time to come and try and outline some of these differences here on the floor. It is critical that people know they have a very clear choice. I think over the last couple of years, that was not so clear to many people, but now it is our duty to show them that there are clear choices to be made on some of these very, very critical issues, and this is the first one out of the chute after the elections of last year. I am determined that we will draw the lines and we will show here is what we would do, it is more responsible, it would provide more direct stimulus, it would benefit more people and more people in need in particular as opposed to what is being proposed by the other side of the aisle which is fiscally irresponsible, not paid for, will not kick in for 16 to 18 months or even longer and is really just trying to do what they were already doing before we were in a recession or proposing before we were in a recession but justify it by saying it will help us with a recession.

I thank the gentleman for clarifying those issues.

Mr. PALLONE. I just want to thank my colleague from Oregon for coming down and saying what he said. The thing that is amazing to me, I tried to point out in the beginning that essentially this recession began in March of 2001, I guess 3 months into President Bush's term. Not too long after that he imposed or got the Congress, primarily Republicans, to pass this huge tax cut which primarily went to the wealthy individuals and corporate interests. That has now been around, I guess, for a little over a year approximately and the recession has only gotten worse. So why now are we talking about another major tax cut that essentially does the same thing, making permanent those tax cuts from a year ago and then coming up with this exclusion of tax on dividends which admittedly is being done in order to try to boost up the stock market and therefore again primarily benefits wealthy people. It is sort of like a failed policy has not worked, so why are you going to make it worse? But even beyond that, the idea, as you say, of having the majority of this stimulus package be directly linked to trying to boost the stock market is such a risky thing. We all know the stock market's volatility. It is not necessarily dependent on any one factor. So to suggest that dealing with dividends is somehow going to increase the indexes dramatically I just do not buy, and I think it is so speculative and it is so much easier to do the kinds of things that the Democrats have proposed. I just want to thank you again for joining us.

I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I want to thank my very able colleague the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oregon (Mr.



DEFAZIO) for participating and spearheading this special order this evening. I think when the gentleman from New Jersey reminded us that the current recession was triggered back in March of 2001, we have to ask ourselves, well, what happened there? What happened was again rising oil prices in the global market, which America does not control because we are totally dependent on imports, thrust us into a recession which has only gotten worse and all the pump priming on Wall Street cannot draw us out of it because we are not energy independent. Oil just went up to \$33 a barrel. There is instability obviously in the Middle East, certainly in Venezuela, Colombia, all these places where we are getting our oil, and the kind of short-term stimulus package that you are talking about would be an immediate shot in the arm here in the United States of America, whether it is building bridges, whether it is putting a small tax refund in the pockets of Americans that they can go out and buy things, ordinary Americans who are having trouble meeting ends from paycheck to paycheck. But beyond that, looking at how we can create entire new industries in this country so that we do not have to send our men and women to war for oil but, rather, that we can invest here at home.

Can you imagine the sentinel call it would be across just rural America if we really ratcheted up biofuels production and ethanol and biodiesel from coast to coast, what we could do to replace 25 percent of what we are importing today? I really wanted to say to both of my dear colleagues that there was an editorial in the New York Times on January 5 by Tom Friedman called "A War for Oil." I would like to place it in the RECORD this evening as a part of this discussion and to say with all the pomp and circumstance that occurred here in the House today, the reality is we are faced with a likelihood that we will be at war with Iraq very soon. To do so at a time when we are suffering this major recession here at home, where we have got these rising oil prices globally and we are not energy independent, we are going into huge debt in terms of the government with all these tax payouts left and right to some of the wealthiest people in our country and no help for job creation here in this country, even in the key industry where we are totally vulnerable, that is, new fuels production.

□ 1815

We are importing over 60 percent of what we consume today and paying exorbitant prices for it, and Mr. Friedman says in his article that any war we launch in Iraq will certainly be in part about oil and that the Bush team is preparing to launch that war for oil and to deny the fact is actually laughable. And he says that the Bush policy towards North Korea has made it abundantly clear that the war with Iraq indeed is about oil.

The question is whether it is only about oil. And I am sure that the gentleman from Oregon (Mr. DEFAZIO), who has been a leader in new-fuels production and energy independence for America, in his own region when we consider the biomass that is out there that could be turned to new-fuels production we can see the jobs and the investment here in the United States that could happen if we would really propel this new industry forward.

What good does it do to give shareholders in multinational oil companies on Wall Street more dividends when those dollars do not have to be invested in this country at all? So much of what Wall Street has been doing is not investing in the United States. They have been moving jobs to Mexico. The other day I just bought some windshield wipers for my car, turned the package over, made in Mexico. In fact I have a question. Is anything made in America anymore? If we look at this past holiday shopping season, what is actually out there that we make? I am glad we can still make bridges if we would only fund them in our country, but try to find an American-made clock, American-made clothing. I just talked to a gentleman today downstairs. He said, Boy, I wish I could find a good pair of shoes. He said, My feet are killing me. And I said, Well, they are not made in America anymore.

What is it that we do make that is not being outsourced somewhere else? So the recession is being exacerbated by the fact that so much of what Wall Street has done with the money is not to put it here but to put it elsewhere where they can pay slave wages to people and then ship all those goods back here. So all this investment, I would be very interested in entertaining a proposal from the Bush administration to require that any benefits to Wall Street be invested in the USA and to do it in a stimulus plan in some of the key sectors where we are strategically vulnerable, including energy, where we are totally dependent on these international imports now more and more every day.

And when we think about the fact that Iraq has the second largest reserves in the world, one of my questions of the Bush administration is, if they are going to go in and take over these reserves, who is going to benefit? Which companies are going to get the benefit of that? Maybe we should do some windfall profits taxes on the companies that are going to be getting all these Iraqi oil concessions and then use those dollars to buy down our public debt and pay off some of the bills that are being added every day with the tax cuts to the wealthiest people in this country.

So I just am very interested in what Tom Friedman said here, and he even talks about handing out drilling concessions to U.S. oil companies and how are those decisions going to be made by the administration. How is the administration going to get through this

issue of nation-building in Iraq? Is this going to be like Somalia? I thought we were not supposed to be involved in nation-building. We are not out of Afghanistan yet. We are paying more and more and more every day. Our troops are on the ground there. Of course there is a press blackout; so you really do not know everything that is happening. We are not going to be out of there for years. The President of Afghanistan was on the board of Unocal Oil Company, and when one looks at the movement of oil globally, it is obvious that control of that country and the movement of pipelines is really very essential to the global movement of oil, which is a diminishing world resource.

So the real question I have is, if we are going to have a stimulus package, how do we get investment here at home and how do we displace particularly in the energy area the kind of imports that have now moved us to the brink of war again in the most oil-rich region of the world? I am deeply concerned about the direction of this country and whether or not we have an exit strategy from Iraq. And when we look at the amount of money we are going to be spending on defense in order to move these troops and planes and ships for long periods of time now, the Ohio National Guard just had the longest deployment in Ohio history in that part of the world, and they have just returned home, building airfields, preparing.

This is costing an enormous amount. Imagine if we could invest those dollars here at home and create entire new industries, not just off biofuels, ethanol and biodiesel in the rural countryside, but what about photovoltaics to really ratchet up our knowledge in that key area and manufacture those systems here in the United States not just for use here at home but for use abroad, to really move us into renewable resources of energy for the future. What an incredible job creator that would be, good jobs, high-paying jobs coast to coast in order to buy America true national security and energy independence here at home.

So I want to thank the gentleman for allowing me to share in this Special Order this evening and to say that I agree with Tom Friedman. I am not somebody who wants to go to war for oil. I think we should invest those dollars here at home and help America move beyond the petroleum age into a new age of renewables. I thank both gentlemen.

I include the following editorial for the RECORD:

[From the New York Times, Jan. 5, 2003]

A WAR FOR OIL?

(By Thomas L. Friedman)

Our family spent winter vacation in Colorado, and one day I saw the most unusual site: two women marching around the Aspen Mountain ski lift, waving signs protesting against war in Iraq. One sign said: "Just war or Just Oil?" As I watched this two-woman demonstration, I couldn't help notice the

auto traffic whizzing by them: one gas-guzzling S.U.V. or Jeep after another, with even a Humvee or two tossed in for good measure. The whole scene made me wonder whether those two women weren't—indeed—asking the right question: Is the war that the Bush team is preparing to launch in Iraq really a war for oil?

My short answer is yes. Any war we launch in Iraq will certainly be—in part—about oil. To deny that is laughable. But whether it is seen to be only about oil will depend on how we behave before an invasion and what we try to build once we're there.

I say this possible Iraq war is partly about oil because it is impossible to explain the Bush team's behavior otherwise. Why are they going after Saddam Hussein with the 82nd Airborne and North Korea with diplomatic kid gloves—when North Korea already has nuclear weapons, the missiles to deliver them, a record of selling dangerous weapons to anyone with cash, 100,000 U.S. troops in its missile range and a leader who is even more cruel to his own people than Saddam?

One reason, of course, is that it is easier to go after Saddam. But the other reason is oil—even if the president doesn't want to admit it. (Mr. Bush's recent attempt to hype the Iraqi threat by saying that an Iraqi attack on America—which is most unlikely—"would cripple our economy" was embarrassing. It made the president as if he was groping for an excuse to go to war, absent a smoking gun.

Let's cut the nonsense. The primary reason the Bush team is more focused on Saddam is because if he were to acquire weapons of mass destruction, it might give him the leverage he has long sought—not to attack us, but to extend his influence over the world's largest source of oil, the Persian Gulf.

But wait a minute. There is nothing illegitimate or immoral about the U.S. being concerned that an evil, megalomaniacal dictator might acquire excessive influence over the natural resource that powers the world's industrial base.

"Would those women protesting in Aspen prefer that Saddam Hussein control the oil instead—is that morally better?" asks Michael Mandelbaum, the John Hopkins foreign policy expert and author of "The Ideas That Conquered the World." "Up to now, Saddam has used this oil wealth not to benefit his people, but to wage war against all his neighbors, build lavish palaces and acquire weapons of mass destruction."

This is a good point, but the Bush team would have a stronger case for fighting a war partly for oil if it made clear by its behavior that it was acting for the benefit of the planet, not simply to fuel American excesses.

I have no problem with a war for oil—if we accompany it with a real program for energy conservation. But when we tell the world that we couldn't care less about climate change, that we feel entitled to drive whatever big cars we feel like, that we feel entitled to consume however much oil we like, the message we send is that a war for oil in the gulf is not a war to protect the world's right to economic survival—but our right to indulge. Now that will be seen as immoral.

And should we end up occupying Iraq, and the first thing we do is hand out drilling concessions to U.S. oil companies alone, that perception would only be intensified.

And that leads to my second point. If we occupy Iraq and simply install a more pro-U.S. autocrat to run the Iraqi gas station (as we have in other Arab oil states), then this war partly for oil would also be immoral.

If, on the other hand, the Bush team, and the American people, prove willing to stay in Iraq and pay the full price, in money and manpower, needed to help Iraqis build a more progressive, democratizing Arab

state—one that would use its oil income for the benefit of all its people and serve as a model for its neighbors—then a war partly over oil would be quite legitimate. It would be a critical step toward building a better Middle East.

So, I have no problem with a war for oil—provided that it is to fuel the first progressive Arab regime, and not just our S.U.V.'s, and provided we behave in a way that makes clear to the world we are protecting everyone's access to oil at reasonable prices—not simply our right to binge on it.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. KAPTUR) for her remarks. Two things or maybe three things that I really appreciate. One, I think it is very important to bring up the crises or I should say the increase costs of oil and how that has steadily gone up in the last 2 years or so and is a major factor also impacting the economy and that this administration has not done anything in the first 2 years to make us more energy independent. They have fiddled around and talked about a lot of things, but nothing has actually been accomplished.

The other thing is, in listening to the gentlewoman, it is almost as if President Bush is just going back to the old sort of trickle-down economics; in other words, we give all the money to the rich. Now we give this huge tax break with dividends primarily to the wealthy and somehow that is going to trickle down. But as the gentlewoman pointed out, that is not what happens because the money is just invested overseas, and one of the things that I mentioned before and that is an important part of the Democrat stimulus package is relief for small businesses, which is specifically targeted so that it has to be used to reinvest in new jobs, new means of production, and the majority of the jobs that are created in the United States these days are through small business.

So we are doing the opposite. They are saying we will give a big boost to the big corporate interests and the wealthy and they are somehow going to spend it to create jobs; but there are no strings attached, whereas the Democrats have a proposal that specifically targets small businesses and insists that whatever tax savings or credits are specifically for new jobs and new production here, which I think is crucial because otherwise it is a waste, and the gentlewoman has pointed that out very effectively.

Ms. KAPTUR. Mr. Speaker, I wanted to say to the gentleman, if one looks at the last 25 years, it is very important to point out that our last four recessions were all related to rising oil prices going back to the 1970's, the 1980's, and now the new 21st century. And if we do not learn from history, we are doomed to repeat it; and what has happened over a period of time is that there has been more and more military presence placed around the world in order to guard the oil lanes coming in here, and it truly would be destabilizing to our country if those paths

were eliminated, but the answer for America is not to become more and more dependent on foreign supplies but rather to use not just the short-term stimulus package but the long-term economic growth strategy for our country to create energy independence so that we are not so vulnerable, and every time some oil baron or king wants to make it a little tough on America, they raise prices and then we are thrown into recession. They know they do not want us to go into deep, deep depression because then they lose some of their revenue, but the point is we are like a puppet on the end of a string and we are not controlling our own destiny. So I would hope that as we move forward, pass this short-term stimulus package that the Democratic Party has offered, and then move into long-term economic growth, that we really look at energy independence as a major pathway to new job creation and investment here at home.

Mr. PALLONE. Mr. Speaker, that is a very good point. And the other thing too is that everyone is sort of assuming that this recession is at its worst and somehow we are now going to turn it around; but if the government goes in the wrong direction with President Bush's plan, it could very easily get worse. There is nothing in that plan that is going to stimulate the economy. The consequence could very well be that the recession gets worse and unemployment gets worse. I hope that does not happen, but I think it would be naive for us to suggest that we have necessarily hit bottom. One of the reasons we need to do this, what the Democrats propose, is that we do not want things to get worse. It is not just a question of getting better, but not having the economy even move in a further downward direction.

Mr. DEFAZIO. Mr. Speaker, the gentleman raised the unemployment numbers. It is interesting that recently a survey has come out of rural areas in my State, particularly areas that were previously timber-dependent areas, about unemployment; and the numbers that we record today in unemployment do not reflect the real suffering or the true degree of unemployment. As high as unemployment is in the United States, and it is at some of the highest numbers it has been in a decade under this administration without an extension of unemployment benefits, which hopefully will be rectified here this week, but the numbers are actually much worse because the definitions have been cleverly changed to say, well, if they are unemployed and their unemployment benefits have run out, they are not considered unemployed anymore in the United States.

So if we follow that illogic through, if everybody in America lost their job today and all their benefits an out a year from today and nobody got their job back, no one would be working and we would have zero unemployment. It is an absolute absurdity. So the true measure of unemployment is actually

much, much higher than we are seeing; and the struggle, as the gentlewoman from Ohio (Ms. KAPTUR) said, to bring some productive capacity back to this country and put people back to work, we were all first promised, well, they are losing their jobs in industry but they will all go into the new economy.

Well, the new economy has gone bust, and most of them did not get jobs there anyway or benefit during those good years; and one cannot, in my opinion, be a great Nation if one does not build things, and the reliance on foreign oil is extraordinary. The fact that our greatest balance of payment, the deficit, is to buy foreign oil, supporting people who hardly have any interest in the United States in mind and our future in mind and the investment in alternative fuels, alternative fuel technology to include fuel cells and all the other things that the gentlewoman talked about, bring those industries home to the United States and begin to export them into the rest of the world in addition to insulating ourselves from these people who are jacking up oil prices around the world would be an extraordinary benefit to the American people. And I hope that this administration, this unfortunately oil administration that we have in the White House, might be able to clear their vision a little bit, instead of saying we can somehow drill our way out of this, which we cannot. Even if there was as much oil as the most optimistic say up in the Alaskan National Wildlife Refuge and along the coast of the United States, we still could not drill our way out of this problem. We would still have a growing dependence on foreign oil. We need to make dramatic steps and investments in that direction, and we should orient more longer-term packages toward the recovery of our economy toward those new technologies, toward those investments in our country, and those are the kinds of things we need.

An ephemeral investment or expenditure of \$300 billion to relieve people from paying taxes on dividends on stock, mostly people who earn over \$100,000 a year, as an economic stimulus is almost laughable. I mean, it is extraordinary to me. And if it does work and it stimulates the stock market without dealing with the underlying problems and the fundamentals of U.S. industry and their unwillingness to invest if this country, in the productive capacity of this country, it will create another bubble, and guess what, some people will ride the bubble up, get out, and it will pop again, and what happens? The people who are always stuck are the middle class and working people who cannot get in and out of the market because their only investments in the market are through their retirement funds which they cannot liquidate and speculate on the way that some of these other folks can. It may well cause a big run-up in the stocks that pay dividends in particular, but it is not going to generally leaven

the economy and put people back to work. I have yet to see a single credible economist make that assertion, that somehow this \$300 billion gift other than through the trickle-down theory is going to somehow put people in this country back to work.

Mr. PALLONE. Mr. Speaker, the other problem that we have too, which we really did not dwell on too much but I think it is important, is that it really was disgraceful that the Republicans, who are in the majority, with the President went home after December 28 and the people that did not have their unemployment compensation just ran out.

Mr. DEFAZIO. Mr. Speaker, 28,000 people in my State alone saw an end to their unemployment benefits in the week between Christmas and New Year. Happy New Year from the Federal Government.

Ms. KAPTUR. Mr. Speaker, in the State of Ohio it was 24,000 people who fell off their benefits right before the New Year and 1,100 additional people in my own congressional district.

Mr. PALLONE. Mr. Speaker, the amazing thing, we were trying, the Democrats insisted before we went home that we would stay here to pass a package, but of course the Republicans just adjourned.

□ 1830

My understanding is, and I have not seen the proposal, I guess we may consider something tomorrow or Thursday, is that the Republicans are coming back with something like a 12-week extension which may or may not even be retroactive. That is a very short period of time, given what we are facing here. The Democratic proposal is for double that, basically 26 weeks, and goes back to December 28.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would keep in perspective, the total cost of the Democratic proposal, as I understand, it is to be twice as generous in terms of the extension of unemployment benefits; and to again, to begin to even penetrate some of those other people who have been longer unemployed or underemployed, is about one-twentieth, 5 percent, of what the President is proposing to gift upon the wealthiest by relieving them of the horrible burden of paying a small percentage tax on the dividends they earn by clipping coupons on stocks that they own.

Where are our priorities? Could he not do 10 percent for the unemployed and for their families? I mean, it is just extraordinary to me that the emphasis would be so thinly disguised.

Ms. KAPTUR. Mr. Speaker, every single one of those families would spend that money on basics. They would be buying food.

Mr. DEFAZIO. From local small businesses.

Ms. KAPTUR. From local small businesses. They would be shopping at local stores. They would be making their mortgage payments, if they can hold on to their houses.

Mr. DEFAZIO. Mr. Speaker, if I could, in my State, we have an extraordinary, we have already exhausted this year's allocation of low-income energy assistance in our State; and we are, what, 3 months into the year, the beginning of the heating season; and there are tens of thousands of people on the waiting list in my State, and I am sure in other States across America. And to say, well, we just cannot afford those things, but we can afford for the people who live up on the top of the hill in the big houses with all of the lights on and the windows open, we are going to give them a little extra gift so that they can go to Antigua to avoid the colder months.

Ms. KAPTUR. Mr. Speaker, I was struck by the fact that here we are on the very first day of the 108th Congress, and I am proud to say it is the Democratic Party that is down here on the floor tonight talking about the economy and the recession and how we invest our way out of it; we are talking about war, how we avoid it; we are talking about new job creation for our country. I do not hear anything from the other side. I mean, it is easy to go to cocktail parties and leave for dinners because it is kind of a day of pomp and circumstance; on the other hand, we are a serious party, we are true to our traditions, and I want to thank the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oregon (Mr. DEFAZIO) for being a part of this this evening. I am very proud to be a Democrat tonight. We are doing our job.

Mr. DEFAZIO. Mr. Speaker, if I could expand on that, it is day 10 since the extended unemployment benefits expired, and Congress is not in official session this evening taking care of that problem. They are out, many of them downtown with the lobbyists on K Street celebrating with champagne beyond the weekly food budget of many of these families who are unemployed.

Ms. KAPTUR. I thought we would have extended the unemployment benefits today. I promised my constituents that it would be my top priority when I came back here to Washington; and, quite frankly, I was surprised that that bill was not offered today.

Mr. PALLONE. And we did have votes today. We did have the adoption of the rules package. So it was not that we only had a ceremonial session. We did have votes.

The other thing is that in the last few weeks I was hearing from some of our Republican colleagues about how maybe we did not even need to do it, to extend unemployment compensation because it has been going on too long, almost like it is some sort of welfare benefit or something. When the recession continues, and it is getting worse, there is no indication it is getting, things are getting better, it is only fair to extend it. I mean I could not believe I would even have to try to argue the case for it. But there are those on the other side of the aisle who do not think we should even do it.

Ms. KAPTUR. Mr. Speaker, I would have to say this also, that when the Bush administration's unemployment proposal was talked about, the President talked about this before the first of the year; he did not say what his proposal really was. His original proposal would have only taken care of the unemployed in three States. The State of Oregon was one of them, but our State was left out, the State of Ohio. I fail to see how an unemployed worker in Ohio who has exhausted his benefits is any different than an unemployed worker in Oregon or New Jersey.

Then there was the issue of how many weeks and at what level for benefits they had worked for. These are working people. They are people who have believed in our system of enterprise and have tried to make a difference in their lives. I was just amazed that none of the press talked about the difference in the bills, that we were as the Democratic Party talking about every State in the Union, every unemployed worker who had fallen off of benefits, and that we were talking about a realistic number of weeks, not just 6 weeks or 7 weeks, but so that people could plan, 26 weeks, which has been historic here.

Mr. DEFAZIO. Mr. Speaker, we should remember that unemployment benefits have been paid for by the employers and the employees. The employers have to pay a tax; most economists say that comes in the form of lower wages or at least is shared in lower wages by the employees, and there is a large and healthy balance in the unemployment trust fund. Yet our colleagues on the other side of the aisle, the President and the Republican majority, have refused to expend some of those taxes. That was money that was saved for a rainy day for families and individuals across this country. It is raining like hell out there right now, and they need that money. It is their money. That, in fact, does not have an impact on the deficit. Giving a \$300 billion tax break to people who clip coupons on their taxes does cost the Federal Treasury and will increase the deficit, but if we kept the books honestly, money spent out of the unemployment trust fund which has been accumulated over many years for a rainy day would not count as money that is spent and created out of nothing. There is money there to spend. It is just like we could invest in infrastructure by spending down the highway trust fund. We could invest in aviation by spending down the aviation trust fund. We could accelerate a whole bunch of projects across this country and put people back to work, really. I mean, in the phony way we keep books here, it counts as deficit; but in reality it would not be. The American taxpayers would be getting the money back that they paid for the purpose for which it was intended, which is unemployment benefits or investment in bridges, highways, roads and aviation.

Ms. KAPTUR. Mr. Speaker, I want to say a word about Amtrak. I represent the largest passenger terminal in Ohio, and it has been amazing to me to watch under this administration's purview how service has been cut back. I travel around the world, and I ride trains that so far surpass anything that we have over land in this country. It is actually embarrassing. We talk about a stimulus package. What about high-speed rail? Why has it taken us as a country to this point in the 21st century where we have an antiquated system that needs new stimulus, that needs new investment, coast-to-coast, in order to meet all of the congestion problems we have at our airports; to provide a real, third rail, one might say over the road, in the air, and over land, not counting the sea ways, but to take a look at our rail system and the investment that is needed in it, and to think that we are cutting back to allow Wall Street to put our investment in China or Mexico or somewhere else.

Mr. DEFAZIO. China is building a huge and very expensive multibillion dollar new high-speed rail system, probably with some U.S. investment behind it.

Ms. KAPTUR. Very interesting. Maybe some of those Wall Street dollars are going to China rather than inside the United States. That is why it is important to target the investment here and to make sure that it builds wealth in our country, not someplace else.

When the gentleman mentioned about infrastructure, that really struck me because northern Ohio has been seriously diminished in its ability to move passengers. And the equipment, the trackage, everything that we need really has been underinvested, and this is a system that when one goes around the world, I do not care whether it is France, Japan, the gentleman mentioned China, we are falling behind, falling behind.

Mr. PALLONE. There is no question about that. Again, part of our Democratic stimulus package does provide for money to go back to the States for infrastructure, airports, highways, and the things that the gentlewoman mentioned.

I think we are running out of time, so we are going to have to wrap it up; we only have a couple more minutes. But I just want to thank both of my colleagues. The bottom line is that this is just the beginning. The gentlewoman mentioned the media not comparing the different unemployment compensation packages. Part of it is because the Bush administration has not really said exactly what they are proposing. I gather from today that they are talking about 12 weeks, and we will find that out tomorrow. But we are going to have to insist beginning tomorrow that this package pass and pass in a way that is effective before we leave this week, let alone tonight. So I particularly appreciate the fact that my col-

leagues mentioned that, because I think it is something we are going to have to deal with literally tomorrow.

But I thank my colleagues again, and we will continue to point out these differences between what the President is proposing and the Democratic stimulus package, not because it is partisan, but just because we honestly believe that the Republican proposal will not do anything to reverse the economic downturn.

#### THE DROUGHT AND ITS CONSEQUENCES

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes.

Mr. OSBORNE. Mr. Speaker, I sat here with a great deal of interest listening to the previous speakers and the fact that Republicans were at cocktail parties and out with lobbyists, and I am a Republican and I am still here. I was very interested in the comments that I was listening to. I am not a very partisan person. I believe very much in fairness and balance. When I heard the President's economic stimulus package characterized over and over again as another round of tax breaks for the rich, what I was surprised that somebody did not answer was that part of the plan is \$3.6 billion going to the States that are to be distributed in \$3,000 increments to the unemployed as they pay for transportation and child care and training to get back into the workforce.

Now, the unemployed are not by definition wealthy people. So that \$3.6 billion does not go to the rich. The child tax credit increases by \$400 per child. Now, not all children, certainly in the United States, are born to the wealthy. So a family of three would have \$1,200 additional money in their pocket, and many of those families will be poor families. The marriage tax penalty has been accelerated. For the average married couple, that will mean \$1,716 that they will receive. Certainly, not all married couples in the United States are wealthy. Many that I know are not wealthy at all. Mr. Speaker, 92 million tax filers this year will receive an average tax cut of \$1,083. We certainly do not have 92 million tax filers in the United States this year that are wealthy people.

Finally, let me just say this. There has been a lot of mention of the dividends and how the dividends were tax breaks for the rich. But what most people do not seem to bother to mention is that roughly 40 percent of the American population now owns stock. Not all of those 40 percent are wealthy people. Many average wage-earners own stock and will benefit from any stock dividend reduction.

So just in the interest of fairness, Mr. Speaker, I thought we might mention the fact that there were some things that were not mentioned here

this evening as we talked about the stimulus package, and I am not for sure what it is going to look like. I am not sure how it is going to play out. But I do know that it is not targeted only for the upper 5 percent or only the upper 10 percent of taxpayers. Certainly a good number of people will benefit.

But that is not what I am here for tonight, Mr. Speaker; it is not why I came over here. From the previous discussion, one can assume that what happens on this floor much of the time is aimed at discussion of the economy, tax breaks have been mentioned, a lot of discussion about Medicare at times, and certainly the Middle East, what is going on in Iraq, what is going on in North Korea. And these are all very, very important subjects. But the subject that we very seldom discuss here is somewhat amazing to me and that is something that is going on right here, right now in the United States; and it involves almost one-half of the country, and that is the drought. We almost never hear that discussed on the floor of this House. We almost never hear it discussed in our major metropolitan areas or in our major metropolitan newspapers.

So, Mr. Speaker, here is the map of the drought. This is what it looks like. In August of 2002, at the end of the growing season, this is what the drought looked like, and this was the impact that it had on our crops in 2002. So what that means, if one looks at the black area, that is exceptional drought; and those areas experienced, for the most part, drought that exceeded any records that go back over 100 years of recorded history of precipitation.

□ 1845

So we see large areas like this. The red areas would, for the most part, exceed the drought that we experienced in the thirties, the Dust Bowl, where tons and tons of Earth were blown away and crops were totally nonviable; and thousands and thousands of farmers left farming and ranching.

So we can see, Mr. Speaker, that this is a rather drastic picture. The bad thing is, it has not improved for the most part. In some areas, it is much worse now than it was then. In my home State of Nebraska, the month of December which just passed was in most cases the driest December ever recorded, so things have not improved at all.

Let us talk a little bit about why this is. Why do we not hear about this more? The reason is, I believe, that there are roughly 2 million farmers and ranchers in the United States today. That comprises a little bit less, actually, than 1 percent of the total population of the United States in farming and ranching. Probably in this drought area we have about one-half of the farmers and ranchers in our country, so we are talking about one-half of 1 percent that are directly impacted by this. Their way of living, their livelihood, is

impacted by the drought. One-half of 1 percent sometimes does not make much of a ripple.

Mr. Speaker, that is why I have decided not to go to the cocktail parties and not to go out with the lobbyists tonight, as we have heard earlier was happening with the Republicans. That is why I am here on the floor tonight to talk about this, because very few other people are talking about it. It is something we need to look at because it has huge implications for this country, and for its economy and for its well-being.

Let me talk a little bit about the effects of the drought. Some of these areas are forest lands in Wyoming and in Colorado. One thing that was interesting, in examining the rings, the growth rings on the trees, we can pretty much tell when the droughts occurred. Some of those trees are 300 years old. 2002 was the driest year in many of those areas in the last 300 years. The timber in those forests was drier than the lumber in the lumberyard that had been put through a kiln, so that shows the impact that the drought had on our forests and on our lands.

The reservoirs in these areas that are stored primarily for irrigation are at this time 25, 30 percent, in some cases as low as 15 or 20 percent, full. The bad thing, Mr. Speaker, is that the inflows into those reservoirs are greatly reduced from other years. The snowpack even for this winter is way, way below normal, so there is almost no chance of any great recovery this year. So we are looking at some really reduced irrigation waters for those people who irrigate out of those reservoirs.

Normally, an irrigator could count on somewhere between 90 and 100 days of water. This year, many of those irrigators have already been told that those reservoirs will only provide maybe 20 to 30 days of water, which means essentially that they cannot plant, because they cannot grow anything on 20 to 30 days of water.

Also, many people who would receive normally 20 to 24 inches of water out of a reservoir this year are going to receive 2 or 3 inches of water; so again, those people are having to convert to dry land. They are having to put their irrigated land into pastures and other types of products, and as a result there is a tremendous financial loss in those areas. The pastures in these areas have simply dried up, so there is no hay. There is nothing for the cattle to eat. As a result, what has happened is a great many of our ranchers have had to sell at least part, and in some cases nearly all, of their cattle.

The problem with that is that when we start reducing the breeding stock, and some of these breeding stocks have been put up over generations and of course have tremendous value, but when they can no longer provide food for them and they have to sell the breeding stock, then it is not long before the whole thing unravels, and it will take 5, 6, 7, or 8 years to rebuild

the breeding stock. There has been tremendous devastation in these areas, particularly in the livestock industry.

On top of the farmers and ranchers, we also find that the small towns that really service those farmers and ranchers are in bad shape, too, because the implement dealers, the feed and seed dealers, have no money. The merchants, the bankers, all of these people are experiencing extreme hardship in these areas.

Currently, just in my State alone, the State of Nebraska, the economic devastation of this particular drought is estimated to be \$1.4 billion. That was as of September or October. My estimation is it will probably go closer to \$2 billion. If we multiply that by Kansas, South Dakota, Montana, Wyoming, Colorado, New Mexico, and Arizona, all of these other States, we are talking about a disaster in the range of 15 to \$20 billion. This is huge for this part of the country, and it is something that we need to think about and we need to do something about.

In Nebraska, the nonrenewable farm loans this year will increase by roughly 400 percent which, if that plays out, and I believe that it will, we will probably lose somewhere between 3,000 and 4,000 farmers.

The most terrifying statistic that we heard recently that the bankers gave me was that 25 to 50 percent of the farm loans in the State of Nebraska are in serious trouble, and they could not endure another 2002. They would go under if we do not do any better; and, of course, the drought appears to be as bad in the coming year as it was in the past year, which would mean that we could lose as many as 15,000 to 20,000 farmers that would not be able to renew their farm loans.

So this is a very difficult prospect. It is something that is, I believe, unconscionable to not address. This is something that has to be done.

What has been done so far to combat the drought? I think, in fairness to the administration, we need to point out the fact that they did provide \$752 million in livestock compensation this past fall. This was taken out of section 32 of USDA. It did not require an act or any initiative here in the Congress, but it was done administratively. This money was greatly appreciated.

There was also a livestock feed program that allowed ranchers to get vouchers to go down to feed stores and they could purchase some feed. Some people purchased their hay up on the Canadian border, and said that might help get them through the winter; so it was some help, but it is something that was maybe just a stopgap measure. The people in the ranching business are still in great difficulty; and the bottom line is that nothing so far has been done for the row crops, the people who grow wheat and corn and milo and soybeans. They have not received any type of aid at all.

So let us take a look at what has been going on in terms of disaster. We

see that for Hurricane Andrew and a typhoon \$6.4 billion were spent by the United States Government; for the 1997 flood of a river, \$738 million. These, of course, are not due to drought.

We every year give \$5.59 billion to Israel, \$3.94 billion to Egypt, and we give to many, many other countries where we are certainly concerned about their welfare. I certainly do not begrudge the money given to Israel or Egypt or whatever, but the interesting thing is that we do these things, and yet we seem to be at the present time turning our backs on a large segment of the United States, which is a little bit difficult to understand at this point.

We say, now, why would we do this? Why do we turn our backs on our own people? A memo from the budget office said that a drought really is not like a natural disaster such as a flood or a tornado or a hurricane because a drought comes on more slowly. Since it comes on more slowly, then people have a chance to adjust; so they said a drought really is not something like other disasters that get disaster aid. It does not quite qualify. This was what somebody in the budget office wrote.

I would have to believe that that person maybe had not been in agriculture, had not been on a farm, did not know much about it. We have the input costs to till the soil, buy a tractor, plant the seed; we have to fertilize; and after you have spent thousands of dollars to get the crop ready, then if you do not get any water, it may only take about 3 weeks at the right time and you lose the whole crop.

So to say it does not come on suddenly, it may not be 15 minutes or 1 day, but it does not take very long. We have had huge numbers of people out there who have simply lost their whole crop, it has occurred fairly quickly, and it was beyond their control. There was nothing that they could do about it.

The other thing that I think has caused us to not come forward with any disaster aid has been the perception of the new farm bill that was passed last year. People would say, how in the world would that affect whether we had disaster aid or not? The perception of the new farm bill is that it has a huge amount of money in it; and because there is so much money in the farm bill, then that should take care of whatever disaster we might have.

I would say that that perception is not accurate. I would like to show the Members some information here that I think pretty much illustrates this.

In the last 3 years with the Freedom to Farm, the previous farm bill, we spent on average in 1999, in 2000, and 2001 \$24.5 billion, \$24.5 billion. The new farm bill that was passed this last year is projected to cost a little less than \$21 billion in 2002, 2003, 2004, and 2005, so actually there will be less money spent in the new farm bill than there was in the last 3 years of the old farm bill. So it does not seem to be quite as

expensive as what we would have been led to believe.

Now, the reason that the farm bill I think has gotten such a bad rap is that many of the urban newspapers really went after the President for signing the farm bill. I will read just a few of the editorial comments that we saw.

First of all, in the Las Vegas Review Journal the headline was "Farm Welfare." The editorial said, "The House voted to slide backwards some 70 years, choosing socialism and abandoning market-based reforms in the Nation's Stalinesque farm policy in voting for a new farm bill."

The Washington Post, the headline was, "Cringe for Mr. Bush." The editorial ran: "Mr. Bush signed a farm bill that represents a low point in his presidency, a wasteful corporate welfare measure that penalizes taxpayers and the world's poorest people in order to bribe a few voters." So the President took a tremendous beating here.

In the Wall Street Journal, the headline was, "The Farm State Pig-out." The editorial said, "That great rooting, snooting noise you hear in the distance, dear taxpayers, is the sound of election year farm State politics rolling out of the U.S. Congress. This alone amounts to one of the greatest urban-to-rural transfers of wealth in history, a sort of Farm Belt Great Society."

So it is only natural that the administration, after enduring this type of reaction, would say that they are very reluctant to step forward at this point with any further spending for agriculture. The thing we need to understand, however, is that some of the emergency payments that were paid to agriculture in 1999, 2000, and 2001 were paid out because of low prices. The prices were very low, so to keep farmers in business some emergency payments were given.

For instance, the price of corn during this period, a bushel of corn, probably averaged about \$1.70, \$1.80 a bushel. The cost of production was around \$2.20 a bushel, so in order to keep people in business some emergency payments were made. We are not talking about emergency payments anymore. We are not talking about that; we are talking about a natural disaster. So this is not because of low prices.

The next thing we will look at here is what has happened this year. This is the projection, the new farm bill for 2002, roughly \$19 billion. Let us see what has actually happened this year with the drought.

What has actually happened, Mr. Speaker, is that the \$19 billion projected spending has not occurred. Instead, this year the farm bill will cost somewhere between \$13 billion and \$14 billion, a \$5 billion to \$6 billion shortfall. In other words, in the year 2002, we will actually spend about one-half of what we spent on average on the farm bill in 1999, 2000, and 2001; and yet this is being called the great farm State pig-out, that this is a fat bill. Obviously that is not true. We are spending

roughly one-half of what we spent in the last 3 years of Freedom to Farm.

We will say, why did this happen? How could it have happened? What happened was that in corn production, in soybeans, in milo, in rye we are down about 10 or 15 percent because of the drought. Some people simply had no crops. When we have less supply, then the price goes up. When the price goes up, we have no farm supports. When people in Iowa, in Illinois, in Indiana have good crops and they have better prices, they get no farm payments because their prices are up. So as a result, "we" are saving, in quotes, we the government, somewhere in the neighborhood of \$6 billion on this farm bill.

□ 1900

So the question would be, well, why would we not give some of that \$6 billion back to the people who caused it to happen in the first place, the people who had no crops, the people who experienced the drought? Because you get no farm payments if you do not have a crop. And that is what happened to these people. They have no crop. And so it would make sense to a lot of people that, yes, we would return some of that. But again we do not seem to be getting any movement in any direction. And the staple answer we get is, well, there is so much money in the farm bill, just take it out of the farm bill.

Now, the problem that we have with that as we looked at the map, we can see that there was only part of the country that had the drought. And so we would have to convince the folks in Iowa, in Illinois, in Indiana, in Minnesota, in Texas, in Arkansas and Louisiana that they should take payment from their crops to give to South Dakota and North Dakota and Nebraska and Kansas and Colorado, and it seems that that is rather difficult to get done. People just do not seem to want to do that.

So what has happened is we are between a rock and a hard place. We cannot seem to get the administration to say, yes, we will help the farmers; and we cannot get many people saying, yes, we ought to go into the farm bill, and I can see that too. So as a result we have a lot of people who are hurting, who are in bad shape; and I really do not know exactly what we are going to do at the present time.

Let us talk a little bit more about the farm bill. This thing is greatly misunderstood. People do not understand why we have a farm bill. And so I would like to present one last graphic here, Mr. Speaker, and this is rationale as I see it for why we have a farm bill.

Farming is a little bit different than most other industries. People who have WallMart come in their community and the hardware store goes broke, they say, nobody helps me. I used to be a football coach and if I lost a game nobody protected me and so they say, why should we help the farmers? Let



me tell you a little bit of the rationale that holds up very well.

First of all, farming is almost totally weather dependent. Now, most industries, most businesses in our country do not dissolve if you have a 15-minute hailstorm or if it does not rain for 3 weeks or if a strong wind comes through and knocks the wheat down. It does not happen that way, but farming is totally weather dependent.

Number two, in farming it is almost impossible to control the inventory. You say, well, what does that mean? Well, if General Motors has too many automobiles out there and they feel there is a glut what they do is shut down an assembly line and they wait until things get in balance. But when you are growing wheat around the world, you really cannot say, well, Australia, you do not plant this year or, Canada, you cut down because you do not know what the worldwide production will be. You do not know where the droughts are going to be. You do not know what is going to happen so you cannot control the inventory. Now most businesses can control the inventory.

Thirdly, producers do not set the price. If you are going to make a suit of clothes you will say, this is worth \$500. This is what we will price it at. We will make a box of corn flakes. It will be \$2.50. If we are going to sell a car it will be \$30,000. So the manufacturer, the producer sets the price. But in farming the farmer does not set the price. The price is set for him. It is the local elevator, the Chicago Board of Trade that says corn is worth \$1.60 a bushel this week, so much a pound for beef. And he has no choice. He does not set the price.

Fourthly, farming is critical to national security. As long as you can go down to the grocery store and things are convenient and easy and there is plenty there, and you only spend an average of 9 percent of your income on food you do not really see a problem. There is no problem with national security. But those countries that experienced a shortage of food in World War II have a little bit different slant on things. And the other thing that we want to point out here in regard to national security, somebody mentioned in the previous hour, they were talking about petroleum, our dependence on OPEC for oil. Well, what happened was about 20 years ago we found that we could buy petroleum from OPEC for like \$15, \$20 a barrel. So we said that is a good deal. So we should shut down our own exploration. We shut down our own refineries. As a result we are now 60 percent dependent so foreign.

People say that is still okay because we only pay \$12 to \$15 a barrel. That is no problem. But some economists have put a pencil to it and said the Gulf War cost us a lot of money, and the Gulf War was about oil. And we are maintaining a fleet and a military presence in the Middle East and we are now maintaining an even bigger presence

which is due largely to oil. And what economists have said was that oil really does not cost us \$15 a barrel. What it cost was more like \$70 to \$100 a barrel when you add it all in.

Now, we can do the same thing to our agriculture. We can very quickly ship our agriculture to South America, to Australia, to Canada. And so the question is are we going to protect agriculture and are we going to keep it in the United States where we know what we have, and we have a secure food supply, and no matter what happens around the world we know we have got it here. Is that worth something to us? I think it is.

Fifthly, there is no level playing field worldwide. The European Union subsidizes agriculture by more than \$300 per acre. Now, again, you go back to toward World War II and most people in Europe understand the value of a food supply so they subsidize \$300 per acre. Japan subsidizes agriculture more than \$1,000 per acre. In the United States, get this, the United States, that fat farm state pig out farm bill subsidizes agriculture \$45 per acre, roughly one-sixth of what the European Union subsidizes their farmers.

The other thing to remember is that there is great competition from South America. In Brazil, for instance, a top grade of land will cost \$250 per acre, land that would probably cost \$2,500 an acre here in the United States. Labor costs an average of 50 cents an hour in Brazil. It would probably cost \$10 an hour in the United States. And there are practically no environmental regulations in Brazil where we have a great many.

So what we are saying is that the farm bill is necessary to enable our agriculture to be somewhat competitive and we think we are getting a pretty good bargain here at \$45 per acre. And so is that agriculture worth saving? Is that worth some type of investment in terms of disaster payment to keep that here, to keep it in the United States, to keep these people viable? I guess my slant, Mr. Speaker, is, yes, it is. And so that is pretty much my rationale this evening.

I guess one last comment, some people would say, well, we do not have any disaster aid because, number one, the drought is not a natural disaster; and of course I think I pretty well disputed that. Secondly, they have said the farm bill is too fat; and again I think we have offered some information to dispute that.

But the third argument is this, that, well, that those people who have row crops have crop insurance so they do not need any help. Well, I think people in the United States need to understand the crop insurance program is viable and it is very important. It works very well if you have three or four good years, good yields and good production, and then all of the sudden you have a drought for 1 year and maybe then you have 3 or 4 more good years because the crop insurance will

at least hold you in there. It will get the input costs back, because the most insurance you can buy for crop insurance is 85 percent. Now, profitability is in the last 10 percent. So on crop insurance you do not make money. You probably still lose a little bit. But the problem is that when you have multiple years of drought, which we have had. Most of these farmers have experienced at least 2, 3, 4, some of them 5 years of drought. Every year of drought that you have the amount of insurance you can buy goes down because you have to average in those years where you had no production.

So probably most of the farmers in those drought areas are insured at a 60, 65 percent level and they have been receiving that now for 2 and 3 years. So they have been digging into their equity every year and some of them are to the point where they no longer have any equity left. So insurance is good for a 1-year situation, but when you have multiple years of drought which we have had, you have a disaster. And so that is where I believe at this point we need to step in.

So we hope very much that this body, in the House, we hope in the Senate and we hope that the administration will begin to see what we are up against and the difficulty of the situation. We hope this will be treated like a natural disaster, like a hurricane, like a flood, like a fire. And typically the United States has stepped forward in those situations, and it is difficult to stand back and see a lack of responses in this case.

Mr. Speaker, I appreciate this opportunity.

#### RECESS

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

Accordingly (at 7 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2110

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 10 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 23, TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108-1) on the resolution (H. Res. 14) providing for consideration of the Senate bill (S. 23) to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under

such act ends, which was referred to the House Calendar and ordered to be printed.

**REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 1, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003 AND H.J. RES. 2, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003**

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108-2) on the resolution (H. Res. 15) providing for consideration of the joint resolution (H.J. Res. 1) making further continuing appropriations for fiscal year 2003, and for other purposes, and for consideration of the

joint resolution, (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:

Mr. NETHERCUTT (at the request of Mr. DELAY) for today after 4 p.m. through January 8 on account of a death in the family.

**SPECIAL ORDERS GRANTED**

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

# PROCEEDINGS OF THE HOUSE AFTER SINE DIE ADJOURNMENT OF THE 107TH CONGRESS 2D SESSION AND FOLLOWING PUBLICATION OF THE FINAL EDITION OF THE CONGRESSIONAL RECORD OF THE 107TH CONGRESS

**APPOINTMENT BY THE SPEAKER AFTER SINE DIE ADJOURNMENT**

Pursuant to section 603(a) of the Intelligence Authorization Act for Fiscal Year 2003 (P.L. 107-306) and the order of the House of Thursday, November 14, 2002, the speaker on Sunday, December 15, 2002, appointed the following members on the part of the House to the National Commission on Terrorist Attacks Upon the United States:

Mr. Fred F. Fielding, Arlington, Virginia;

Mr. James R. Thompson, Chicago, Illinois.

**COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER, AFTER SINE DIE ADJOURNMENT**

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,  
Washington, DC, December 20, 2002.

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

DEAR MR. SPEAKER: Pursuant to Public Law 107-273, I hereby appoint the following individuals to the Antitrust Modernization Commission: John H. Shenefield (VA); Debra A. Valentine (District of Columbia).

Yours Very Truly,

RICHARD A. GEPHARDT.

STATE OF HAWAII,  
OFFICE OF ELECTIONS,  
Pearl City, HI, December 23, 2002.

Mr. JEFF TRANDAH, Clerk, House of Representatives, Capitol Heights, MD.

DEAR MR. TRANDAH: Enclosed is the Certificate of Election for Ed Case duly chosen by the qualified electors of the State of Hawaii on November 30, 2002.

Pursuant to Hawaii Revised Statutes Section 11-174.5, there were no challenges filed.

Should you have any questions or need additional information, please contact Lori Tomczyk.

Very truly yours,

DWAYNE D. YOSHINA,  
Chief Election Officer.

**COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER, AFTER SINE DIE ADJOURNMENT**

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,  
Washington, DC, December 13, 2002.

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

DEAR MR. SPEAKER: Pursuant to Title VI of the Intelligence Authorization Act for Fiscal Year 2003, I hereby appoint the following individuals to the National Commission on Terrorist Attacks Upon the United States: Honorable Tim Roemer (IN); Honorable Jamie Gorelick (MD).

Mr. Roemer's appointment shall be effective immediately after noon on January 3, 2003.

Yours Very Truly,

RICHARD A. GEPHARDT.

**COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT**

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 30, 2002.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a letter from Dwayne D. Yoshina, Chief Election Officer, State of Hawaii, transmitting a Certificate of Election indicating that, the Honorable Ed Case was duly chosen by the qualified electors of the State of Hawaii on November 30, 2002, as Representative in Congress for the State of Hawaii for the term ending January 3, 2003.

With best wishes, I am,  
Sincerely,

JEFF TRANDAH.

Attachment.

**BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT**

The President, subsequent to sine die adjournment of the 2d Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On December 16:

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

H.R. 308. An Act to establish the Guam War Claims Review Commission;

H.R. 451. An Act to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes;

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

H.R. 1712. An Act to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of

American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes;

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

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

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

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

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

On December 17:

H.R. 2099. An Act to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide adequate funding authorization for the Vancouver National Historic Reserve

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

H.R. 2115. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington

H.R. 2187. An Act to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves

H.R. 2385. An Act to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources in that property, and for other purposes

H.R. 2458. An Act to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes

H.R. 2628. An Act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama, and for other purposes

2818. An Act to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971

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

H.R. 2937. An Act to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range

H.R. 2990. An Act to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes

H.R. 3180. An Act to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact

H.R. 3401. An Act to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of un conveyed lands comprising the Center, and for other purposes

H.R. 3449. An Act to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes

H.R. 3609. An Act to amend title 49, United States Code, to enhance the security and safety of pipelines.

H.R. 3858. An Act to modify the boundaries of the New River Gorge National River, West Virginia.

H.R. 4692. An Act to amend the Act entitled "An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes", to provide for the addition of certain donated lands to the Andersonville National Historic Site.

H.R. 4823. An Act to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

H.R. 5125. An Act to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

H.R. 5738. An Act to amend the Public Health Service Act with respect to special diabetes programs for Type I diabetes and Indians.

On December 19:

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

H.R. 3747. An Act to direct the Secretary of the Interior to conduct a study of the site commonly known as Eagledale Ferry Dock at Taylor Avenue in the State of Washington for potential inclusion in the National Park System.

H.R. 3909. An Act to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve, and for other purposes.

H.R. 3954. An Act to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, and for other purposes.

H.R. 4129. An Act to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment.

H.R. 4638. An Act to reauthorize the Mni Wiconi Rural Water Supply Project.

H.R. 4664. An Act to authorize appropriations for fiscal years 2003, 2004, 2005, 2006, and 2007 for the National Science Foundation, and for other purposes.

## SENATE BILL APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 2d Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

On December 13:

S. 2017. An Act to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program.

## ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 8, 2003, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Brucellosis: Testing of Rodeo Bulls [Docket No. 01-095-2] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2. A letter from the Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule — Exceptions of RUS Operational Controls Under Section 306E of the RE Act (RIN: 0572-AB68) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Enterprise Grants and Television Demonstration Grants; Definition of "rural area" and new types of "eligible small and emerging private business enterprises" (RIN: 0570-AA36) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Facilitate Urgent Timber Removal From Other Lands (RIN: 0596-AB48) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Addition of Regulated Area [Docket No. 02-121-1] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Great Britain With Regard to Foot-and-Mouth Disease [Docket No. 01-018-4] received December

20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Business and Industry Loans; Revision to Definition of Rural Area (RIN: 0570-AA38) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8. A letter from the Director, Regulatory Review & Foreign Investment Disclosure Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Skip Row and Strip Crops (RIN: 0560-AG55) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Decrease in Desirable Carryout Used to Compute Trade Demand [Docket No. FV02-989-6 FIR] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Change in the Minimum Maturity Requirements for Fresh Grapefruit [Docket No. FVO2-905-2 FIR] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Revision of Regulations for Determining Price Quotations for Spot Cotton [Doc. CN-01-004] (RIN: 0581-ACOO) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Stall Reservations at Import Quarantine Facilities [Docket No. 02-024-1] received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

13. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Demand Side Management and Renewable Energy Systems (RIN: 0572-AB65) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

14. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins [Docket No. 02-088-1] (RIN: 0579-AB47) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

15. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Transportation, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Temporary Suspension of a Provision, and Extension of Certain Deadlines Under the Raisin Diversion Program [Docket No. FV03-989-2 IFR] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

16. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Carboxin; Pesticide Tolerance [OPP-2002-0326; FRL-7282-1] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

17. A communication from the President of the United States, transmitting a request to make the subsidy budget authority necessary to support a \$45 million Federal credit instrument for Aloha Airlines, Inc; (H. Doc. No. 108—10); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Transactions Between Member Banks and Their Affiliates [Miscellaneous Interpretations] — received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

19. A letter from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Regulatory Reporting Standards: Qualifications for Independent Public Accountants Performing Audit Services for Voluntary Audit Filers [No. 2002-54] (RIN: 1550-AB54) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

20. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of Treasury, transmitting the Department's final rule — Alternative Mortgage Transaction Parity Act; Preemption Delay of Effective Date [No. 2002-59] (RIN: 1550-AB51) received December 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

21. A letter from the Director, Financial Crimes Enforcement Network, Department of Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Anti-Money Laundering Requirements — Correspondent Accounts for Foreign Shell Banks; Recordkeeping and Termination of Correspondent Accounts for Foreign Banks (RIN: 1506-AA35) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

22. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Minimum Standards of Integrity and Fitness for an FDIC Contractor (RIN: 3064-AC29) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

23. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determination [Docket No. FEMA-P-7618] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

24. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

25. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

26. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Federal Credit Unions; Miscellaneous Technical Amendment — received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

27. A letter from the General Counsel, National Credit Union Administration, trans-

mitting the Administration's final rule — Prompt Corrective Action — received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

28. A letter from the Deputy Assistant Secretary for Program Operations, PWBA, Department of Labor, transmitting the Department's final rule — Class Exemption to Permit Certain Transactions Identified in the Voluntary Fiduciary Correction Program [Prohibited Transaction Exemption 2002-51; Application No. D-10933] received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

29. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Furnishing Documents to the Secretary of Labor on Request Under ERISA Section 104(a)(6) and Assessment of Civil Penalties Under ERISA Section 502(c)(6) (RIN: 1210-AA67, 1210-AA68) received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

30. A letter from the Director OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting the Administration's final rule — Occupational Injury and Illness Recording and Reporting Requirements [Docket No. R-02B] (RIN: 1218-AC06) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

31. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

32. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Efficiency Program for Certain Commercial and Industrial Equipment: Extension of Time for Electric Motor Manufacturers to Certify Compliance With Energy Efficiency Standards [Docket No. EE-RM-96-400] (RIN: 1904-AB11) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

33. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; D-tagatose and Dental Caries [Docket No. 02P-0177] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

34. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices; Classification for Intraoral Devices for Snoring and/or Obstructive Sleep Apnea [Docket No. 02N-0010] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

35. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Aluminum in Large and Small Volume Parenterals Used in Total Parenteral Nutrition; Amendment; Delay of Effective Date [Docket No. 90N-0056] (RIN: 0910-AA74) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

36. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Presiding Officers at Regulatory Hearings; Confirmation of Effective Date [Docket No. 02N-0251] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

37. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities; Virgin Islands [Region II Docket No. VI3-1, FRL-7420-4] received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

38. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Repeal of Emission Standards for Perchloroethylene Dry Cleaning Systems [VA125-5058a; FRL-7422-1] received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

39. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Revisions to the Alabama Nitrogen Oxides Budget and Allowance Trading Program [AL-059-200306(a); FRL-7419-9] received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

40. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills [OAR-2002-0047; FRL-7418-2] (RIN: 2060-AH13) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

41. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New Jersey: Final Authorization of State Hazardous Waste Program Revision [FRL-7412-6] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

42. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Perfluoroalkyl Sulfonates; Significant New Use Rule [OPPT-2002-0043; FRL-7279-1] (RIN: 2070-AD43) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

43. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution District, Ventura County Air Pollution Control District [CA144-0375a; FRL-7410-9] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

44. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Burma declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—5); to the Committee on International Relations and ordered to be printed.

45. A communication from the President of the United States, transmitting a 6-month report on the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the

United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—7); to the Committee on International Relations and ordered to be printed.

46. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—9); to the Committee on International Relations and ordered to be printed.

47. A communication from the President of the United States, transmitting a combined 6-month report on the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) in Executive Order 12808 on May 30, 1992 and Kosovo in Executive Order 13088 on June 9, 1998, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—11); to the Committee on International Relations and ordered to be printed.

48. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—12); to the Committee on International Relations and ordered to be printed.

49. A communication from the President of the United States, transmitting notification that the Libya emergency is to continue in effect beyond January 7, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—13); to the Committee on International Relations and ordered to be printed.

50. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

51. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

52. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

53. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Bureau of Political-Military Affairs; Amendments to the International Traffic in Arms Regulation: Canadian Exemption [Billing Code 4710-25] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

54. A communication from the President of the United States, transmitting an alternative plan for locality pay increases payable to civilian Federal employees covered by the General Schedules pay system in January 2003, pursuant to 5 U.S.C. 5305(a)(3); (H. Doc. No. 108—8); to the Committee on Government Reform and ordered to be printed.

55. A letter from the Director, Bureau of the Census, Department of Commerce, transmitting the Department's final rule — Bureau of the Census Geographically Updated Population Certification Program [Docket No. 020919216-2287-02] (RIN: 0607-AA37) re-

ceived December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

56. A letter from the NARA Regulatory Contact, National Archives and Records Administration, transmitting the Administration's final rule — Expanding Transfer Options for Electronic Records (RIN: 3095-AB03) received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

57. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Official Seals (RIN: 3095-AB12) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

58. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Excepted Service — Schedule A Authority for Chinese, Japanese, and Hindu Interpreters (RIN: 3206-AJ53) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

59. A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, Rule II of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 108—14); to the Committee on House Administration and ordered to be printed.

60. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Iowa Abandoned Mine Land Reclamation Plan [IA-007-FOR] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

61. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-096-FOR] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

62. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Mississippi Regulatory Program [MS-017-FOR] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

63. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Prohibition of Non-pelagic Trawl Gear in Cook Inlet in the Gulf of Alaska [Docket No. 0205222128-2267-02; I.D. 050602B] (RIN: 0648-AP79) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

64. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; annual Specifications and Management Measures; Trip Limit Adjustments; Correction [Docket No. 011231309-2090-03; I.D. 111302A] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

65. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 112602D] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

66. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and south Atlantic; Trip Limit Reduction [I.D. 112602E] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

67. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 110102E] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

68. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exemption Supplement to Framework Adjustment 35 [Docket No. 021101265-2265-01; I.D. 101602A] (RIN: 0648-AQ50) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

69. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 011218304-1304-01; I.D. 111802A] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

70. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 4 Period [Docket No. 011109274-1301-02; I.D. 101602E] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

71. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 112801A] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

72. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Waiver of Criminal Grounds of Inadmissibility for Immigrants [INS No. 2249-02; AG Order No. 2641-2002] (RIN: 1115-AG90) received December 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

73. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Adjustment of Status for Certain Aliens from Vietnam, Cambodia, and Laos in the United States [INS No. 2124-01; AG Order No. 2642-2002] (RIN: 1115-AG14) received December 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

74. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Retention and Reporting of Information for F, J, and M Nonimmigrants; Student and Exchange Visitor Information System

(SEVIS) [INS No. 2185-02] (RIN: 1115-AF55) received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

75. A letter from the Director, Office Workers' Compensation Programs, Department of Labor, transmitting the Department's "Major" final rule — Performance of Functions Under This Chapter; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000, as Amended, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

76. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule — Partial Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN: 1076-AE34) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

77. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; Drilling and Blasting Operations, Hubline Project, Captain of the Port Boston, Massachusetts [CGD01-02-131] (RIN: 2115-AA97) received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

78. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; San Pedro Bay, CA [COTP Los Angeles-Long Beach 02-004] (RIN: 2115-AA97) received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

79. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; New Rochelle Harbor, NY [CGD01-02-134] (RIN: 2115-AE47) received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

80. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Clinton, IA [CGD08-02-027] (RIN: 2115-AE47) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

81. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston-02-146] (RIN: 2115-AA97) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

82. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Hutchinson River, Eastchester Creek, NY [CGD01-02-138] received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

83. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30339; Amdt. No. 3031] received December 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

84. A letter from the Paralegal Specialist, FAA, Department of Transportation, trans-

mitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-48-AD; Amendment 39-12954; AD 2002-23-10] (RIN: 2120-AA64) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

85. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Design-Build Contracting [FHWA Docket No. FHWA-2000-7799] (RIN: 2125-AE79) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

86. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations; Winterfest Boat Parade, Broward County, Fort Lauderdale, Florida [CGD07-02-122] (RIN: 2115-AE46) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

87. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Waters Adjacent to Diablo Canyon Nuclear Power Plant, Avila Beach, CA [COTP Los Angeles-Long Beach 02-006] (RIN: 2115-AA97) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

88. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30340; Amdt. No. 3032] received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

89. A communication from the President of the United States, transmitting his annual report on the state of small business, pursuant to 15 U.S.C. 639(a); to the Committee on Small Business.

90. A letter from the Executive Secretary, Disabled American Veterans, transmitting the 2002 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 901 and 44 U.S.C. 1332; (H. Doc. No. 108-4); to the Committee on Veterans' Affairs and ordered to be printed.

91. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule — Yadkin Valley Viticultural Area (2001R-88P) [T.D. No. ATF-485; Re: Notice No. 936] (RIN: 1512-AC82) received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

92. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Loans From a Qualified Employer Plan to Plan Participants or Beneficiaries [TD 9021] (RIN: 1545-AX68) received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

93. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and methods of accounting [Rev. Proc. 2002-74] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

94. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Licensing of Viatical Settlement Providers [Rev. Rul. 2002-82] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.



95. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2002-80] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

96. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest Rates; Underpayments and Overpayments [Rev. Rul. 2002-70] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

97. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries "Basis Shifting" Tax Shelter [UL NO: 9300.18-00] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

98. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Liability for Insurance Premium Excise Tax [TD 9024] (RIN: 1545-AY93) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

99. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxability of Beneficiary of Employees' Trust [Rev. Rul. 2002-84] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

100. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Exchange of Property Held for Productive Use or Investment [Rev. Rul. 2002-83] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

101. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Amounts received

Under Accident and Health Plans [Rev. Rul. 2002-80] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

102. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Allocation of National Limitation for Qualified Zone Academy Bonds for Year 2003 [Rev. Proc. 2002-72] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

103. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out inventories [Rev. Rul. 2002-87] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

104. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxpayer Identification Number Rule Where Taxpayer Claims Treaty Rate and Is Entitled to an Unexpected Payment [TD 9023] (RIN: 1545-BA39) received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

105. A communication from the President of the United States, transmitting a reorganization plan for the Department of Homeland Security; (H. Doc. No. 108—16); to the Committee on Homeland Security and ordered to be printed.

106. A communication from the President of the United States, transmitting notification of the functions, personnel, assets, and liabilities of the life sciences activities related to microbial pathogens of the Biological and Environmental Research Program of the Department of Energy, including the functions of the Secretary of Energy relating thereto, shall be transferred to the Secretary of Homeland Security; (H. Doc. No. 108—17);

to the Committee on Homeland Security and ordered to be printed.

107. A letter from the Executive Director, Office of Compliance, transmitting the fourth biennial report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations, pursuant to section 102(b) of the Congressional Accountability Act of 1995; (H. Doc. No. 108—15); jointly to the Committees on House Administration and Education and the Workforce, and ordered to be printed.

108. A communication from the President of the United States, transmitting the Annual Report of the Railroad Retirement Board for Fiscal Year 2002, pursuant to 45 U.S.C. 231f(b)(6); jointly to the Committees on Transportation and Infrastructure and Ways and Means.

109. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2003 and Inclusion of Registered Nurses in the Personnel Provision of the Critical Access Hospital Emergency Services Requirement for Frontier Areas and Remote Locations, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

110. A communication from the President of the United States, transmitting a report on the progress made in achieving the militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo, pursuant to Public Law 106—398; (H. Doc. No. 108—6); jointly to the Committees on International Relations, Armed Services, and Appropriations and ordered to be printed.

## NOTICE

*Incomplete record of House proceedings.*

*Today's House proceedings will be continued in the next issue of the Record.*