United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, FEBRUARY 25, 2003 No. 30

House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. CAPITO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 25, 2003.

I hereby appoint the Honorable SHELLY MOORE CAPITO to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal God, Divine Providence has guided this Nation throughout its history.

You have brought us through times of war and times of peace, days of hardship and days of plenty.

Through all of our struggles You have brought to light great falsehoods and led us to embrace greater truths.

Be with the Members of the 108th Congress and guide them in these unsettling times.

Keep our Nation strong and, in Your loving care, keep us safe.

Be close to those who are in most need of Your consolation and help.

Listen to all who call upon Your holy name in prayer as they struggle to understand the signs of the times.

We beg to know Your holy will now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina 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.

MESSAGE FROM THE SENATE

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

S. 151. An act to amend title 18, United States Code, with respect to the sexual exploitation of children.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair, on behalf of the Committee on Finance, announces the designation of the following Senators as members of the Joint Committee on Taxation:

The Senator from Iowa (Mr. GRASSLEY).

The Senator from Utah (Mr. HATCH).

The Senator from Oklahoma (Mr. NICKLES).

The Senator from Montana (Mr. BAUCUS).

The Senator from West Virginia (Mr. ROCKEFELLER).

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,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 14, 2003.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 14, 2003, at 10:38 a.m.

That the Senate passed S. Con. Res. 4.

That the Senate passed without amendment H.R. 395.

That the Senate passed without amendment H. Con. Res. 1.

That the Senate passed without amendment H. Con. Res. 35.

That the Senate passed without amendment H. Con. Res. 41.

That the Senate passed without amendment H.J. Res. 19.

That the Senate agreed to conference report H.J. Res. 2.

Appointment: Harry S Truman Scholarship Foundation.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore BARTLETT signed the following enrolled joint resolution on Tuesday, February 18, 2003:

H.J. Res. 2, making consolidated appropriations for the fiscal year ending September 30, 2003, and for other purposes.

REJECT EXPLOITATION

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

Mr. DELAY. Madam Speaker, the coming debate on cloning raises a fundamental issue: Is it ethical to turn

Printed on recycled paper.

human reproduction into a scientific manufacturing process? To me, Madam Speaker, the answer is an unequivocal no. There is no moral justification for human cloning.

Some people claim that, in this case, the ends justify the means and we should just ignore the ethical connotations of creating cloned human embryos, for whatever purpose. But let us establish the first principle here: every life is precious and every life is unique.

The procedures contemplated by opponents of a full cloning ban are no better than medical strip-mining, and they would trample the dignity of life. This we cannot and will not allow.

HONORING JUSTICE ERNEST A. FINNEY, JR.

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

Mr. WILSON of South Carolina. Madam Speaker, I rise today to celebrate the extraordinary achievements of Earnest A. Finney, Jr.

Raised by his father after his mother died following his birth, Earnest Finney went on to graduate from Claflin College and from South Carolina State University School of Law. Finding it difficult to earn a living as an attorney, Finney became a teacher and waited tables to make ends meet.

Finney then settled in Sumter, South Carolina, with his family and became South Carolina's leading defender of civil rights, representing more than 6,000 clients. In 1963 Finney served as chairman of the South Carolina Commission on Civil Rights and in 1972 was elected to the South Carolina House of Representatives. He was then elected as judge of the Third Judicial Circuit in 1976.

Later, in 1994, Ernest Finney, who was once denied membership in South Carolina's lawyers association because of his race, became the first African American chief justice of South Carolina's Supreme Court since Reconstruction. I am extremely honored to have been Justice Finney's first Republican supporter in the State Senate. Since then, Justice Finney has retired and was named interim president of South Carolina State University in 2002.

Justice Finney remains a bright and shining star; and I thank him for his service, integrity, and commitment to making South Carolina and America a better place.

GERMANY AND FRANCE MUST DECIDE WHERE THEY STAND

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

Mr. PITTS. Madam Speaker, nearly a century ago, George Santayana wrote, ''Those who cannot remember the past are condemned to repeat it.''

This is a big world we live in, but if there are two countries in this world that should remember the consequences of coddling tyrants, they are France and Germany.

But these two countries seem to have forgotten.

The world is watching as Saddam Hussein amasses weapons so powerful they could wipe out whole armies, whole cities and, given time, perhaps even whole nations; and we know he will use them because he has done so before. But France and Germany seem to be doing everything in their power to foil our plans to stop him before it is too late.

Is it because these two countries have seen so much blood that they just cannot stand the thought of another war? Or is it because so much of Saddam's technology has come from Germany? Perhaps it is because France is Saddam's third largest trading partner. France and Germany's recklessness has even risked the safety of an ally and threatened the cohesiveness of NATO itself, although I am glad to say they have come to their senses there.

It is time for Germany and France to decide where they stand. Are they on the side of tyrants, or are they on the side of freedom? There is no other choice.

HOUR OF MEETING ON WEDNESDAY, FEBRUARY 26, 2003, AND THURSDAY, FEBRUARY 27, 2003

Mr. WILSON of South Carolina. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on Wednesday, February 26; and that when the House adjourns on Wednesday, it adjourn to meet at 1 p.m. on Thursday, February 27, 2003.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 10 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1615

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at 4 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

HONORING THE LIFE OF AL HIRSCHFELD AND HIS LEGACY

Mrs. BLACKBURN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 46) honoring the life of Al Hirschfeld and his legacy.

The Clerk read as follows:

H. RES. 46

Whereas Al (Albert) Hirschfeld was born June 21, 1903, in St. Louis, Missouri;

Whereas Hirschfeld moved to New York City with his family at age 12;

Whereas, by age 18, Hirschfeld was already the art director for Selznick Pictures;

Whereas Hirschfeld went on to study painting, sculpture, and drawing in Paris;

Whereas on a trip in Bali, Hirschfeld first became ''enchanted with line'' and developed his signature style of caricature;

Whereas, in 1926, Hirschfeld attended the theater with press agent Richard Maney, who noticed the sketch Hirschfeld had doodled on his program and convinced him to submit it to the New York Herald Tribune, which printed it on its front page;

Whereas Hirschfeld began receiving periodic drawing assignments for the drama pages of the New York Times;

Whereas Hirschfeld became a close friend of legendary New York Times theater critic Brooks Atkinson and developed a relationship with the newspaper that would last nearly 75 years;

Whereas Hirschfeld went on to draw nearly every important figure of the American theater for the New York Times;

Whereas searching for the name of Hirschfeld's daughter, Nina, sometimes hidden as many as a dozen times within his drawings, became a favorite pastime for readers;

Whereas Hirschfeld's work has appeared in numerous books and is hung in many museums including the Metropolitan Museum of Art, the Museum of Modern Art, the Whitney Museum of American Art, and the St. Louis Art Museum;

Whereas Hirschfeld received 2 special Antoinette Perry (Tony) Awards for excellence in the theater;

Whereas Hirschfeld was elected to the American Academy of Arts and Letters;

Whereas Hirschfeld was selected to receive the National Medal of Arts in 2003;

Whereas in 1996 Hirschfeld was named a Living New York City Landmark by the New York Landmarks Conservancy;

Whereas audiences for years to come will be reminded of Hirschfeld's life and work through a Broadway theater named after him;

Whereas success on Broadway was measured, in part, by whether one had been caricatured by Hirschfeld;

Whereas Hirschfeld's drawings helped to communicate to millions of people the excitement of live theater;

Whereas Hirschfeld continued working until the day he passed away, January 20, 2003, at the age of 99; and

Whereas Hirschfeld's unique contribution to American culture will be sorely missed: Now, therefore, be it

Resolved, That the House of Representatives honors the life of Al Hirschfeld and his legacy, and extends its condolences to his family, friends, and loved ones.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Tennessee (Mrs. BLACKBURN) and the gentleman from Tennessee (Mr. COOPER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACKBURN).

GENERAL LEAVE

Mrs. BLACKBURN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

Mrs. BLACKBURN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 46, introduced by my distinguished colleague, the gentleman from New York (Mr. NADLER), honors the life of legendary illustrator Al Hirschfeld.

Madam Speaker, Al Hirschfeld passed away at his home in New York City on January 20 at the age of 99. During his remarkable career that spanned three-quarters of a century, Al Hirschfeld drew caricatures of giants of the performing arts world that appeared primarily in the New York Times, but also in a variety of books and periodicals. An A-list of museums and galleries feature his works, including the Metropolitan Museum of Art in New York and the St. Louis Art Museum, which is in his hometown.

His drawings, easily recognized by their distinctive flowing lines and the hidden word ''Nina,'' the name of his daughter that appeared in each of his works, turned generations of his own fans into connoisseurs of all art and theater. Indeed, in June of 1990, I had the opportunity to meet some of his family members to observe and admire his work firsthand and even to go on a search for some of those Ninas that were hidden in his caricatures when his exhibit was at the Tennessee Botanical Gardens and Fine Arts Center in Nashville.

By passing this resolution, this House can express the sadness of the City of New York, and indeed all of America, from Al Hirschfeld's passing last month. Therefore, I urge all Members to support the adoption of House Resolution 46.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, today we honor the life and legacy of Al Hirschfeld, the pen and ink illustrator who chronicled some 75 years of American theater and entertainment history who died on January 20 in Manhattan at the age of 99.

Hirschfeld, who was born June 21, 1903 in St. Louis, earned a special Tony award for his drawing of theater people. As my colleague, the gentlewoman from Tennessee (Mrs. BLACKBURN), has mentioned, he often featured the word Nina for his daughter in thousands and thousands of his drawings. In fact, it is kind of fun to find the Ninas in a particular drawing and Hirschfeld made more than 10,000 caricatures in his career.

At the tender age of 11, Hirschfeld's art teacher in St. Louis told his mother, ''There is nothing more that we can teach him here in St. Louis.''

The family promptly moved to New York where he enrolled in the Art Students' League. At age 17, Hirschfeld became an art director at Selznick Pictures. He held that position for about 4 years; and then in 1924 he moved to Paris to work, led a Bohemian life, grew a beard, which he retained until his death.

Although Hirschfeld is best known for his illustrations on the New York Times's theater pages, he also turned out posters for Broadway shows and drew for ''TV Guide,'' ''The Washingtonian,'' ''Play Bill,'' ''Rolling Stone'' and many, many other publications.

In 1991, Al Hirschfeld became the first artist in history to have his name on a U.S. postage stamp booklet when the United States Postal Service released five stamps they commissioned Hirschfeld to design. The stamps portray Laurel and Hardy, Jack Benny, Edgar Bergen and Charlie McCarthy, Abbot and Costello, and Fanny Brice.

The Hirschfeld postage stamps were so successful that in 1994 the U.S. Postal Service again commissioned Hirschfeld to portray Hollywood's celebrated stars of the silent screen era. This series of commemorative Hirschfeld stamps honors Rudolf Valentino, Charlie Chaplin, Buster Keaton, and the Keystone Cops.

In a 1999 interview with Reuters, Hirschfeld is quoted as saying, ''After 70 years of drawing you have to improve, otherwise you are a dolt. It is a question of elimination and understanding, of trial and error, and suddenly something happens, an epiphany.''

Madam Speaker, I urge my colleagues to support H. Res. 46, honoring the life and legacy of Al Hirschfeld.

Madam Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, I rise in support of this resolution, and I would like to thank the leadership of both sides for bringing it to the floor today.

As a sponsor of the resolution and as the Member of Congress representing the Broadway community, I appreciate the bipartisan support this resolution has received.

Madam Speaker, this resolution is in honor of a beloved member of the American theater community who passed away in his sleep this past January 20.

Throughout his long and extraordinary career, Al Hirschfeld's drawings conveyed to millions of people the excitement and glamour of live theater. Al Hirschfeld was born on June 21, 1903, in St. Louis, Missouri, and moved to New York City with his family at the age of 12. He discovered his artistic talents early on; and by age 18, he had already been hired as art director for Selznick Pictures, drawing the posters for such important movies as the Marx Brothers' ''A Night at the Opera.''

It was a night at the theater, however, that was the turning point in his life. In 1926 Hirschfeld attended a Broadway show with press agent Richard Maney, who was impressed by the sketch Hirschfeld had doodled on his program. Maney convinced him to submit the sketch to the New York Herald Tribune, which printed it on its front page. Periodic drawing assignments from the Herald Tribune lead to an invitation from the New York Times to contribute a drawing for its drama pages. Thus began one of the most fruitful partnerships in history as Al Hirschfeld's drawings became a critical element of the New York Times's drama coverage for the next 75 years.

Hirschfeld drew nearly every important figure in the American theater and popular culture from Charlie Chaplin to Jerry Seinfeld. His drawings were caricatures. They captured the essence of a performer in just a few lines. They were never mean-spirited and never meant to hurt a subject. In fact, it was a mark of respect and an honor to be captured in a Hirschfeld. Many a performer reticent to give an interview to the New York Times could be convinced when a Hirschfeld drawing was promised if he would give the interview.

No tribute to Al Hirschfeld could be complete without mention of his daughter, Nina, whose name has appeared in nearly every Hirshfeld drawing since her birth in 1945. It became a popular activity for regular readers of the Times to locate the one or many Ninas hidden throughout in his drawings.

In this Hirschfeld, for example, you will observe that the Nina is throughout the tie and that next to his signature the number 23 is put in, which is the number of times Nina's name is in the caricature.

Throughout his life, Hirschfeld gained wide recognition for his work which appeared in numerous books and museums, including the Metropolitan Museum of Art, the Museum of Modern Art, the Whitney Museum, and the St. Louis Art Museum. He also earned countless honors such as receiving two special Tony awards for excellence in the theater and for being named a living New York City landmark.

Shortly before his passing he learned that he had been elected to the American Academy of Arts and Letters and was to have been presented with the National Medal of Arts by President Bush at the White House later this year. And as an ultimate tribute from the theater community to which he contributed so much, on June 21st of

this year, which would have been his 100th birthday, he will have a theater named after him.

But while all of this recognition is well deserved, Al Hirschfeld was most at home at his drawing board, sitting on the barber's chair he liked to use. He was still working until the day he died, drawing a picture of his good friends, the Marx Brothers.

We will never forget Al Hirschfeld. His work will endure for many, many generations. But there is a big hole in the Sunday Times these days with no Hirschfeld drawings to liven up the drama pages and no Ninas to search for.

Madam Speaker, I urge my colleagues to vote for this resolution. I hope we pass it unanimously.

Mrs. BLACKBURN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the distinguished gentleman from New York (Mr. NADLER). I simply urge adoption of this measure.

Ms. SLAUGHTER. Madam Speaker, I rise today to remember the much-beloved New York artist, Al Hirschfeld, who brought the vibrant world of Broadway alive for 75 years—longer than most of us live.

This singular talent drew the actors, composers, choreographers, directors who made it all work—the talented people who are responsible for what we collectively call "the theater," but what we also recognize is one of the unique contributions of American culture. For a mild-mannered and gentle soul, he was a veritable force of nature.

Hirschfeld's curvy, single line drawings that appeared to be so spare, so simple, held within them all the awe with which he—and we the audience—felt for this original and talented artistic community—and he did it over the generations. His work, his memory, and the theatre he loved will live on, and we will appreciate it more because of a prolific ability to share his vision of it with us.

I urge all my colleagues to support the resolution that remembers and commemorates Al Hirschfeld—a giant in the business of making magic happen before your very eyes, on the New York stage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend the rules and agree to the resolution, H. Res. 46.

The question was taken.

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

Mrs. BLACKBURN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PERMITTING OFFICIAL PHOTOGRAPHS TO BE TAKEN WHILE THE HOUSE IS IN ACTUAL SESSION

Mr. MICA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 67) permitting official photographs of the House of Representatives to be taken while the House is in actual session on March 12, 2003.

The Clerk read as follows:

H. RES. 67

Resolved, That on March 12, 2003, official photographs of the House may be taken while the House is in actual session. Payment for the costs associated with taking, preparing, and distributing such photographs may be made from the applicable accounts of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

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

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

Madam Speaker, I rise here today for some mundane business, but important as far as the history of the House is concerned, and that is consideration of House Resolution 67, which would authorize the use of the Chambers of the House for a photograph, official photograph of the House of Representatives for the 108th Congress while we are in session.

I am pleased to do this today on behalf of the gentleman from Ohio (Chairman NEY) of the Committee on House Administration who is not able to be with us; but as a Member I am pleased that the official photograph of the House will be taken, and I will announce this on March 12, 2003.

Payments associated with the taking, preparing, and distributing of the photo may be made from the applicable accounts of the House. The official photo of the House of Representatives, as we all know, has become a tradition for each of our Congresses. I believe this photograph is not only an appropriate moment to the Members serving in the 108th Congress but also a valuable historical record. I urge full support of this bipartisan request for this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution and wish to associate myself with the remarks of my esteemed colleague from Florida (Mr. MICA) on what has become a quintessential Kodak moment for the Members of this august body. And I look forward to that photo opportunity because I agree with the gentleman that this clearly is a historic moment for the House as well.

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

□ 1630

Mr. MICA. Madam Speaker, I yield myself the balance of my time.

Again, this is a bipartisan request. It is too bad that the picture is not taken today when we all look relaxed, refreshed, coming back from our districts, but it will be taken, as I said, March 12.

Madam Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the resolution, H. Res. 67.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of House Resolution 67, the resolution just agreed to.

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

There was no objection.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR CEREMONY AS PART OF COMMEMORATION OF DAYS OF REMEMBRANCE OF VICTIMS OF HOLOCAUST

Mr. MICA. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 40) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Clerk read as follows:

H. CON. RES. 40

Resolved by the House of Representatives (the Senate concurring,) That the rotunda of the Capitol is authorized to be used on April 30, 2003, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

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

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

Madam Speaker, I am pleased to rise here today for consideration of House Concurrent Resolution 40, which is necessary to permit the House and the Congress to use the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The United States Holocaust Memorial Museum was charged with providing appropriate ways for the Nation to commemorate the days of remembrance as an annual national and civic commemoration of the Holocaust. As a result of this legislation, the very first ceremony of remembrance was held in the rotunda in 1979. It has been held there every year since that time except for periods when the rotunda has been closed for renovations.

House Concurrent Resolution 40, the resolution before us, will provide this year's national ceremony which will be conducted on April 30, 2003, in the rotunda of the United States Capitol Building. The purpose of the days of remembrance, again, is to ask all citizens, all Americans, to reflect on the Holocaust, to remember the victims and to strengthen our sense of democracy, our demand for human rights.

This ceremony will be the centerpiece of similar remembrance ceremonies to be held throughout the Nation. Members of the Congress, government officials, foreign dignitaries, Holocaust survivors, and citizens from all walks of life have attended previous ceremonies. At last year's days of remembrance commemoration in the rotunda of our Capitol, Assistant to the President for National Security Affairs, Condoleeza Rice, was the keynote speaker. Two years ago, President George W. Bush gave the keynote address.

The theme for this particular day of remembrance is ''For Your Freedom and Ours.'' How fitting and how proper that it be in honor and remembrance of those courageous individuals in the Warsaw ghetto who valiantly rose up against their Nazi oppressors some 60 years ago.

In remembering those who took a determined stand against Nazism, we honor the memory of those who perished, and of course we are reminded that individuals do have the power, and the choice, to make a difference in the fight against oppression and murderous hatred. And we are so much reminded of that today as we make choices here in this Congress and as our President makes choices, not only for our Nation but the world, against similar oppression and potential Holocaust.

Madam Speaker, I urge that we support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Concurrent Resolution 40, authorizing the use of the Capitol rotunda on April 30, 2003, for a ceremony sponsored by the United States Holocaust Memorial Council, pursuant to Public Law 106–292, to observe the days of remembrance for the victims of the Holocaust.

I am pleased to be an original cosponsor of this resolution, and I want to congratulate the distinguished gentleman from Florida (Mr. MICA) for bringing it before us today, and the gentleman from Virginia (Mr. CANTOR), the new chief deputy majority whip, for introducing it.

Congress provides for this ceremony every year during the spring. Related events will be occurring all over the country. I am proud to acknowledge that it has set a precedent in the State of Connecticut. I presided over that chamber's Holocaust memorial services for 8 years.

These related events provide Americans of all faiths and ethnic backgrounds to reflect on the Holocaust, to remember its victims and to strengthen our commitment to democracy and human rights. It is appropriate that we use the Capitol rotunda, the citadel for the rule of law and the location of so many historic ceremonies, to again draw attention to one of the greatest tragedies in human history. It reminds us that such events must never be permitted to occur.

Each year the ceremony has a theme geared to specific events which occurred during the Holocaust, as the gentleman from Florida (Mr. MICA) has pointed out. This year's theme for the days of remembrance is ''For Your Freedom and Ours,'' to honor the courageous armed resistance of the Jews in the Warsaw ghetto to deportation and slaughter in the Nazi death camps.

Between July and September of 1942 the Germans deported nearly 300,000 Jews from the Warsaw ghetto for execution. Cut off from assistance from the outside world, poorly armed resistance forces fought the German military for a month, in April and May of 1943, until the ghetto was finally destroyed. This resistance served as a symbolic victory and protest in the fight against oppression and helped raise the consciousness about the atrocities Hitler was perpetrating in Europe.

While the days of remembrance commemorates historic events in the 1930s and 1940s in Europe, the issues raised by the Holocaust remain fresh in our memories as we survey the political scene in the world today. The nature and tactics of war and the identity of an enemy may change, but what remains is the terror, the cruelty, and the madness of it.

It is especially timely now to encourage public reflection on the faith of Holocaust victims and to remember that there was then and there is still today evil in the world. The ceremony we are authorizing today reminds us that individuals, as well as Nations, can strike a blow to preserve the balance on which human civilization rests.

I urge the passage of this concurrent resolution. I have no additional speakers, but I would just like to thank Matt Pinkus from our staff for his very thorough job and assistance in the comments that I used to address the body today.

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

Mr. MICA. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I am pleased again to bring before the House, House Concurrent Resolution 40 which would permit the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance for the victims of the Holocaust. I urge my colleagues to pass this concurrent resolution and also for them to reflect upon the time in history that we face, the potential for another Holocaust and the easy route of ignoring the world situation and the potential for human disaster. Difficult choices in our times, but we cannot afford to ever experience what we will commemorate and remember, victims of the Holocaust from World War II, on this occasion and use of our rotunda.

Ms. ROS-LEHTINEN. Madam Speaker, I want to rise in support of H. Con. Res. 40, authorizing the rotunda of the Capitol to be used on April 30, 2003, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust, and commend the gentleman from Virginia (Mr. CANTOR) for bringing this important measure to the floor at this time.

When we talk of the Holocaust, we speak of a unique atrocity, distinct from any other.

The mass murder that was inflicted upon millions of innocent men, women, and children must be viewed both as crimes against humanity and acts of genocide in their own right, and should be remembered as such.

Yet, while the Holocaust is unique in history, anti-Semitism continues to haunt European society.

Initially, Jews returning home after their liberation from the death camps often were met by their neighbors who had taken their houses, refused to return them, and in many places murdered these survivors of the Nazis.

More recently, the continued violence in Israel, the West Bank and Gaza has released pent-up anti-Semitism throughout Europe.

In my capacity as the Chair of the Subcommittee on International Operations and Human Rights in the 107th Congress, I held several hearings and briefings on the rise of religious persecution in Europe, engaged in Western European nations in combating the rise of anti-Semitism within their counties and in international fora, where anti-Semitic and anti-Israel bias prevails.

However, this most recent outbreak of anti-Semitism is not limited to Europe by any means.

Many of the ancient canards and lies about Jews are being resurrected in the Arab media.

This includes the revival of the ''blood libel'' and pervasive Holocaust denial by the government-controlled press in Egypt and Saudi Arabia.

This cannot be tolerated.

We must demand that these governments, recipients of significant U.S. foreign assistance and other U.S. support, take immediate action to publicly repudiate both the message of hate and violence, as well as the purveyors of such filth.

Today, as we consider this measure to provide a forum for honoring the courage and indomitable will of the victims of the Holocaust, let us be guided by the lessons of the past and commit ourselves to eradicating the intolerance and extremism which led to this grim period in history.

Accordingly, I urge my colleagues to support this important resolution, so that the lessons of the Holocaust may not be forgotten.

Mr. CROWLEY. Madam Speaker, I am honored to rise today in support of H. Con. Res. 40, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Remembrance of victims of the Holocaust is an indispensable and enduring task. We all must honor and identify with the victims. I therefore strongly support the use of the rotunda of the Capitol for a ceremony remembering the victims of the Holocaust.

The most horrifying extent of anti-Semitism took place during the Nazi and Fascist reign in Europe. Jewish people were beaten, discriminated, and deported to concentration camps where they had to suffer from hard labor and medical experiments or were executed in gas chambers. This most horrible form of anti-Semitism took the lives of more than six million people, and the Jewish fate must never be forgotten. Indeed, we must ensure that the seeds of anti-Semitism are never sown again in Europe or elsewhere in the world.

And although we are currently in the sixth decade after the end of the Holocaust, the fight against anti-Semitism is far from over. Quite the contrary, new hatred against Jews can be witnessed in Europe, the Caucasus, and Central Asia. Nazi slogans are shouted in the streets of Germany, synagogues are burnt, and Jews are beaten up. This kind of hatred has already brought catastrophe to the Jewish people. Remembrance of the past is therefore essential as it helps focus attention on current and future threats to the Jewish people

Remembrance must, however, go beyond intellectual insight and historical facts and should also include an emotional understanding, as far as this is possible. Only then are people ready to develop an attitude of zero-tolerance against anti-Semitism and discrimination in general.

Mr. CANTOR. Madam Speaker, I rise today in support of this important resolution, H. Con. Res. 40, permitting the use of the United States Capitol rotunda to observe, Yom Hashoah, the Day of Remembrance for Victims of the Holocaust.

Madam Speaker, seventy years ago a tyrant as evil as any known in the history of man, rose to power preaching an agenda of hate and racial superiority. His shadow caused darkness to fall upon the earth. He slew the innocent and pure, men and women and children, with vapors of poison and burned them with fire. And when the light of freedom shined again, tens of millions lay dead, cities and nations lay in ruin and a world stood awe struck at the horrors that had occurred.

Sadly today, even in our time, we face again totalitarian regimes led by maniacal dictators who threaten the peace and stability of the world. The rotunda of the United States Capitol represents the seat of free and open discourse, the foundation of our democracy, and is an anathema to those tyrannical leaders and their regimes.

We in the United States, the birthplace of Thomas Jefferson and Martin Luther King, enjoy a great deal of freedom. We must not take these freedoms for granted. We must not forget that genocide and human rights abuses continue to occur around the world. We must not remain silent when such atrocities occur, and we must dedicate ourselves to continue to educate people around the globe about the horrors of the Holocaust. We must be forever mindful of the danger of such intolerance and ensure that it never happens again.

Madam Speaker, that is why there can be no place more fitting than the rotunda of our Capitol, where freedom shines, to remember those innocent who suffered from a tyrant past, and to speak to the hope of those oppressed people who suffer from the tyrants of today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 40.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. MICA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of H. Con. Res. 40.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

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

REPORT ON NATIONAL EMERGENCY REGARDING PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–41)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 25, 2003.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 4 o'clock and 43 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 6 o'clock and 30 minutes p.m.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. BURTON of Indiana. Mr. Speaker, I offer a resolution (H. Res. 98), and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 98

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Small Business: Mr. King of Iowa.

Veterans' Affairs: Mr. Murphy.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H. Res. 46, by the yeas and yeas;

H. Con. Res. 40, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

HONORING THE LIFE OF AL HIRSCHFELD AND HIS LEGACY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 46.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) that the House suspend

the rules and agree to the resolution, H. Res. 46, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 31, as follows:

[Roll No. 33]

YEAS—403

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

NOT VOTING—31

Bass
Carson (IN)
Carter
Clyburn
Combest
Conyers
Cox
Davis (IL)
Feeney
Gallegly
Gephardt
Gordon
Gutierrez
Hastings (WA)
Hinchey
Hoeffel
Hooley (OR)
Johnson (CT)
Jones (OH)
Kennedy (RI)
Lewis (CA)
Lipinski
McDermott
Millender-McDonald
Otter
Peterson (MN)
Rogers (AL)
Rush
Ryun (KS)
Snyder
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore. (Mr. WHITFIELD) (during the vote). The Chair will remind Members there are less than 2 minutes remaining on this vote.

□ 1850

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FEENEY. Mr. Speaker, on rollcall No. 33 I was unavoidably detained. Had I been present, I would have voted "Yea."

Mr. ROGERS of Alabama. Mr. Speaker, on rollcall No. 33 I was unavoidably detained. Had I been present, I would have voted "Yea."

Mr. CARTER. Mr. Speaker, due to weather related factors, I was unavoidably detained and missed H. Res. 46 rollcall vote No. 33. If I were present, I would have voted in favor of H. Res. 46.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the next vote will be a 5-minute vote.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR CEREMONY AS PART OF COMMEMORATION OF DAYS OF REMEMBRANCE OF VICTIMS OF HOLOCAUST

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 40.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 40, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 26, as follows:

[Roll No. 34]

YEAS—408

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

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

NOT VOTING—26

Bass
Brown (OH)
Carson (IN)
Clyburn
Combest
Davis (IL)
Fattah
Gallegly
Gephardt
Gordon
Gutierrez
Hastings (WA)
Hinchey
Hoeffel
Hooley (OR)
Jones (OH)
Kennedy (RI)
Lewis (CA)
Lipinski
McDermott
Millender-McDonald
Peterson (MN)
Rush
Ryun (KS)
Snyder
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members there are less than 2 minutes remaining in this vote.

□ 1857

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, on roll-call Nos. 33 and 34, H. Res. 46 and H. Con. Res. 40, I was on the hill but my pager was inoperable. I would have voted "yes" on both resolutions.

□ 1900

IN SUPPORT OF THE PRESIDENT'S ECONOMIC PLAN

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, I speak out today in support of the President's economic plan. This plan is about three things: number one, jobs; number two, jobs; number three, jobs.

If you do not have a job and you want a job, the President's plan is for you. If you do have a job and you want a better job, the President's plan is for you.

Some have said that this plan is only for the rich because it will eliminate double taxation on dividends. They say that because they are stuck in an economic time warp and they refuse to understand the economic realities of today. Double taxation is un-American, and our seniors need this tax break so that that their retirement income can provide them with security and stability.

The President's plan provides an economic stimulus for every American. It enacts tax policy that is pro-growth, pro-opportunity, and, most importantly, pro-family, and I am talking about the American family, every single one of them.

I urge my colleagues not to give in to the hand-wringers and to support this bold plan for America's future.

TAX FAIRNESS

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

Mr. GREEN of Texas. Mr. Speaker, I do not normally give 1 minutes any more, but after hearing my colleague from the Republican side talk about it, I shall.

I was home most of last week and talked with my constituents about the President's proposed tax cut. One of the things that I think bothers a lot of folks is if we eliminate the so-called double taxation, we have double taxation in lots of areas in our country, but if we eliminate double taxation, the double taxation is a good issue, but it is just patently wrong for a person in my district who makes $60,000 a year working at a chemical plant or refinery, because they work 40 hours a week and maybe overtime to pay their tax rates. For somebody to sit home and clip coupons because maybe they inherited that and they make $60,000 a year, to say I am sorry, you do not have to pay taxes on that is wrong. Income is income.

Now, I agree that I would like to increase the dividend deduction so we can help smaller investors, but, again, abolishing the dividend tax, which is half the President's plan, is just patently wrong for the American people.

BALANCING THE COST OF WAR AGAINST THE COST OF TAX REDUCTION

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

Mr. MORAN of Virginia. Mr. Speaker, the biggest problem with the tax cut that President Bush has proposed is not that it is going to require over $4 trillion in lost Federal revenue over the next decade, it is not that it is going to create more than a $2 trillion deficit, and it is not that the majority of it is going to go to those who need it the least, the biggest problem is that we do not know what the cost of the war is.

We have gone down this road before and we wound up quadrupling the public debt. The responsible thing to do is to hold off on tax cuts until we know what the cost of this conflict in Iraq will amount to, until we have some sense of how long we are going to have to stay there, until we have some sense of what it will cost to reconstruct that country, until we have some sense of what it will cost to establish a stable democracy before we get out of there and allow it to return to the kind of despotic leadership that it is subject to today.

So let us be prudent. Let us hold off on tax cuts. If we must, we should proceed with a prudent foreign policy with regard to the Middle East. Let us rid the world of weapons of mass destruction to the extent we can do so, but let us not break the bank in the United States and pass the bill on to our children.

Let us be prudent and fiscally responsible. Let us put off tax cuts until we know what kind of expense we are undertaking with regard to the war in Iraq.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WHITFIELD). 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.

PUBLICATION OF THE RULES OF THE COMMITTEE ON GOVERNMENT REFORM 108TH CONGRESS

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, pursuant to clause 2(a)(2) of Rule XI of the Rules of the House of Representatives, I hereby submit the rules of the Committee on Government Reform for the 108th Congress for publication in the Congressional Record. These rules were adopted by the Committee on February 13, 2003, in a meeting that was open to the public.

1. RULES OF THE COMMITTEE ON GOVERNMENT REFORM

U.S. House of Representatives

108th Congress

Rule XI, clause 1(a)(1)(A) of the House of Representatives provides:

Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

Rule XI, clause 2(a)(1) of the House of Representatives provides, in part:

Each standing committee shall adopt written rules governing its procedure. * * *

In accordance with this, the Committee on Government Reform, on February 13, 2003, adopted the rules of the committee:

Rule 1.—Application of Rules

Except where the terms ''full committee'' and ''subcommittee'' are specifically referred to, the following rules shall apply to the Committee on Government Reform and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

Rule 2.—Meetings

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee following the provisions of House Rule XI, clause 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2 (b) and (c).]

Rule 3.—Quorums

A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall form a quorum for taking any action other than the reporting of a measure or recommendation. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

Rule 4.—Committee Reports

Bills and resolutions approved by the committee shall be reported by the chairman following House Rule XIII, clauses 2–4.

A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in subcommittee or full committee. Any report will be considered as read if available to the members at least 24 hours before consideration, excluding Saturdays, Sundays, and legal holidays unless the House is in session on such days. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee before the consideration of the proposed report in such subcommittee or full committee. Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present.

Supplemental, minority, or additional views may be filed following House Rule XI, clause 2(l) and Rule XIII, clause 3(a)(1). The time allowed for filing such views shall be three calendar days, beginning on the day of notice, but excluding Saturdays, Sundays, and legal holidays (unless the House is in session on such a day), unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views.

An investigative or oversight report may be filed after sine die adjournment of the last regular session of Congress, provided that if a member gives timely notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

Rule 5.—Proxy Votes

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the committee or any subcommittee.

[See House Rule XI, 2(f).]

Rule 6.—Record Votes

A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote of the members present.

Rule 7.—Record of Committee Actions

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

Rule 8.—Subcommittees; Referrals

There shall be seven subcommittees with appropriate party ratios that shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgement, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

Rule 9.—Ex Officio Members

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

Rule 10.—Staff

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees.

Rule 11.—Staff Direction

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

Rule 12.—Hearing Dates and Witnesses

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week before the commencement of any hearings, unless he determines, with the concurrence of the ranking minority member, or the committee determines by a vote, that there is good cause to begin such hearings sooner. So that the chairman of the full committee may coordinate the committee facilities and hearings plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks before the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance and, when appearing in a non-governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year.

[See House Rules XI, 2 (g)(3), (g)(4),(j) and (k).]

Rule 13.—Open Meetings

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rules XI, 2 (g) and (k).]

Rule 14.—Five-Minute Rule

(1) A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with

House Rule XI, clause 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(2) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(3) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(4) Nothing in paragraph (2) or (3) affects the rights of a Member (other than a Member designated under paragraph (2)) to question a witness for 5 minutes in accordance with paragraph (1) after the questioning permitted under paragraph (2) or (3). In any extended questioning permitted under paragraph (2) or (3), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (3) to members.

Rule 15.—Investigative Hearing Procedures

Investigative hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

Rule 16.—Stenographic Record

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

Rule 17.—Audio and Visual Coverage of Committee Proceedings

(1) An open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, Internet broadcast, and still photography, unless closed subject to the provisions of House Rule XI, clause 2(g). Any such coverage shall conform with the provisions of House Rule XI, clause 4.

(2) Use of the Committee Broadcast System shall be fair and nonpartisan, and in accordance with House Rule XI, clause 4(b), and all other applicable rules of the House of Representatives and the Committee on Government Reform. Members of the committee shall have prompt access to a copy of coverage by the Committee Broadcast System, to the extent that such coverage is maintained.

(3) Personnel providing coverage of an open meeting or hearing of the committee or a subcommittee by Internet broadcast, other than through the Committee Broadcast System, shall be currently accredited to the Radio and Television Correspondents' Galleries.

Rule 18.—Additional Duties of Chairman

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, clause 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee;

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Designate a vice chairman from the majority party.

Rule 19.—Commemorative Stamps

The committee has adopted the policy that the determination of the subject matter of commemorative stamps properly is for consideration by the Postmaster General and that the committee will not give consideration to legislative proposals for the issuance of commemorative stamps. It is suggested that recommendations for the issuance of commemorative stamps be submitted to the Postmaster General.

Rule 20.—Panels and Task Forces

(a) The chairman of the committee is authorized to appoint panels or task forces to carry out the duties and functions of the committee.

(b) The chairman and ranking minority member of the committee may serve as ex-officio members of each panel or task force.

(c) The chairman of any panel or task force shall be appointed by the chairman of the committee. The ranking minority member shall select a ranking minority member for each panel or task force.

(d) The House and committee rules applicable to subcommittee meetings, hearings, recommendations and reports shall apply to the meetings, hearings, recommendations and reports of panels and task forces.

(e) No panel or task force so appointed shall continue in existence for more than six months. A panel or task force so appointed may, upon the expiration of six months, be reappointed by the chairman.

II. SELECTED RULES OF THE HOUSE OF REPRESENTATIVES

A. 1. Powers and Duties of the Committee—Rule X of the House

House Rule X provides for the organization of standing committees. The first paragraph of clause 1 of Rule X and subdivision (h) thereof reads as follows:

ORGANIZATION OF COMMITTEES

Committees and their legislative jurisdictions

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

* * * * *

(h) Committee on Government Reform.

(1) Federal civil service, including intergovernmental personnel; and the status of officers and employees of the United States, including their compensation, classification, and retirement.

(2) Municipal affairs of the District of Columbia in general (other than appropriations).

(3) Federal paperwork reduction.

(4) Government management and accounting measures generally.

(5) Holidays and celebrations.

(6) Overall economy, efficiency, and management of government operations and activities, including Federal procurement.

(7) National archives.

(8) Population and demography generally, including the Census.

(9) Postal service generally, including transportation of the mails.

(10) Public information and records.

(11) Relationship of the Federal Government to the States and municipalities generally.

(12) Reorganizations in the executive branch of the Government.

2. General Oversight Responsibilities—Rule X, Clauses 2 and 3 of the House

Clause 2 of Rule X relates to general oversight responsibilities. Paragraphs (a), (b), (c), (d), and (e) of clause 2 read as follows:

2. (a) The various standing committees shall have general oversight responsibilities as provided in paragraph (b) in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of Federal laws; and

(B) conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of changes in Federal laws, and of such additional legislation as may be necessary or appropriate.

(b)(1) In order to determine whether laws and programs addressing subjects within the jurisdiction of a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis—

(A) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction;

(B) the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction;

(C) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction (whether or not a bill or resolution has been introduced with respect thereto); and

(D) future research and forecasting on subjects within its jurisdiction.

(2) Each committee to which subparagraph (1) applies having more than 20 members shall establish an oversight subcommittee, or require its subcommittees to conduct oversight in their respective jurisdictions, to assist in carrying out its responsibilities under this clause. The establishment of an oversight subcommittee does not limit the responsibility of a subcommittee with legislative jurisdiction in carrying out its oversight responsibilities.

(c) Each standing committee shall review and study on a continuing basis the impact

or probable impact tax policies affecting subjects within its jurisdiction as described in clauses 1 and 3.

(d)(1) Not later than February 15 of the first session of a Congress, each standing committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing its plan each committee shall, to the maximum extent feasible—

(A) consult with other committees that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of ensuring maximum coordination and cooperation among committees when conducting reviews of such laws, programs, or agencies and include in its plan an explanation of steps that have been or will be taken to ensure such coordination and cooperation;

(B) review specific problems with Federal rules, regulations, statutes, and court decisions that are ambiguous, arbitrary, or nonsensical, or that impose severe financial burdens on individuals;

(C) give priority consideration to including in its plan the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

(D) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review every 10 years.

(2) Not later than March 31 in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Government Reform shall report to the House the oversight plans submitted by committees together with any recommendations that it, or the House leadership group described above, may make to ensure the most effective coordination of oversight plans and otherwise to achieve the objectives of this clause.

(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.

Special oversight functions

Clause 3 of Rule X also relates to oversight functions. Paragraph (e) reads as follows:

* * * * *

(e) The Committee on Government Reform shall review and study on a continuing basis the operation of Government activities at all levels with a view to determining their economy and efficiency.

3. Additional Functions of Committees—Rule X, Clauses 4, 6, 7, 8 and 9 of the House

Clause 4 of Rule X relates to additional functions of committees and committee budgets. Paragraphs (a)(2), (c) and (f) of clause 4 and clauses 6, 7, 8 and 9 read as follows:

4. (a)

* * * * *

(2) Pursuant to section 401(b)(2) of the Congressional Budget Act of 1974, when a committee reports a bill or joint resolution that provides new entitlement authority as defined in section 3(9) of that Act, and enactment of the bill or joint resolution, as reported, would cause a breach of the committee's pertinent allocation of new budget authority under section 302(a) of that Act, the bill or joint resolution may be referred to the Committee on Appropriations with instructions to report it with recommendations (which may include an amendment limiting the total amount of new entitlement authority provided in the bill or joint resolution). If the Committee on Appropriations fails to report a bill or joint resolution so referred within 15 calendar days (not counting any day on which the House is not in session), the committee automatically shall be discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

* * * * *

(c)(1) The Committee on Government Reform shall—

(A) receive and examine reports of the Comptroller General of the United States and submit to the House such recommendations as it considers necessary or desirable in connection with the subject matter of the reports;

(B) evaluate the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(C) study intergovernmental relationships between the United States and the States and municipalities and between the United States and international organizations of which the United States is a member.

(2) In addition to its duties under subparagraph (1), the Committee on Government Reform may at any time conduct investigations of any matter without regard to clause 1, 2, 3, or this clause conferring jurisdiction over the matter to another standing committee. The findings and recommendations of the committee in such an investigation shall be made available to any other standing committee having jurisdiction over the matter involved.

* * * * *

Budget Act responsibilities

(f)(1) Each standing committee shall submit to the Committee on the Budget not later than six weeks after the President submits his budget, or at such time as the Committee on the Budget may request—

(A) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year that are within its jurisdiction or functions; and

(B) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(2) The views and estimates submitted by the Committee on Ways and Means under subparagraph (1) shall include a specific recommendation, made after holding public hearings, as to the appropriate level of the public debt that should be set forth in the concurrent resolution on the budget.

Expense resolutions

6. (a) Whenever a committee, commission, or other entity (other than the Committee on Appropriations) is granted authorization for the payment of its expenses (including staff salaries) for a Congress, such authorization initially shall be procured by one primary expense resolution reported by the Committee on House Administration. A primary expense resolution may include a reserve fund for unanticipated expenses of committees. An amount from such a reserve fund may be allocated to a committee only by the approval of the Committee on House Administration. A primary expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of the funds to be provided to the committee, commission, or other entity under the primary expense resolution for all anticipated activities and programs of the committee, commission, or other entity; and

(2) to the extent practicable, contain such general statements regarding the estimated foreseeable expenditures for the respective anticipated activities and programs of the committee, commission, or other entity as may be appropriate to provide the House with basic estimates of the expenditures contemplated by the primary expense resolution.

(b) After the date of adoption by the House of a primary expense resolution for a committee, commission, or other entity for a Congress, authorization for the payment of additional expenses (including staff salaries) in that Congress may be procured by one or more supplemental expense resolutions reported by the Committee on House Administration, as necessary. A supplemental expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of additional funds to be provided to the committee, commission, or other entity under the supplemental expense resolution and the purposes for which those additional funds are available; and

(2) state the reasons for the failure to procure the additional funds for the committee, commission, or other entity by means of the primary expense resolution.

(c) The preceding provisions of this clause do not apply to—

(1) a resolution providing for the payment from committee salary and expense accounts of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, a committee, commission, or other entity at any time after the beginning of an odd-numbered year and before the date of adoption by the House of the primary expense resolution described in paragraph (a) for that year; or (2) a resolution providing each of the standing committees in a Congress additional office equipment, airmail and special-delivery postage stamps, supplies, staff personnel, or any other specific item for the operation of the standing committees, and containing an authorization for the payment from committee salary and expense accounts of the House of the expenses of any of the foregoing items provided by that resolution, subject to and until enactment of the provisions of the resolution as permanent law.

(d) From the funds made available for the appointment of committee staff by a primary or additional expense resolution, the chairman of each committee shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee and that the minority party is treated fairly in the appointment of such staff.

(e) Funds authorized for a committee under this clause and clauses 7 and 8 are for expenses incurred in the activities of the committee.

Interim funding

7. (a) For the period beginning at noon on January 3 and ending at midnight on March 31 in each odd-numbered year, such sums as may be necessary shall be paid out of the committee salary and expense accounts of the House for continuance of necessary investigations and studies by—

(1) each standing and select committee established by these rules; and

(2) except as specified in paragraph (b), each select committee established by resolution.

(b) In the case of the first session of a Congress, amounts shall be made available for a

select committee established by resolution in the preceding Congress only if—

(1) a resolution proposing to reestablish such select committee is introduced in the present Congress; and

(2) the House has not adopted a resolution of the preceding Congress providing for termination of funding for investigations and studies by such select committee.

(c) Each committee described in paragraph (a) shall be entitled for each month during the period specified in paragraph (a) to 9 percent (or such lesser percentage as may be determined by the Committee on House Administration) of the total annualized amount made available under expense resolutions for such committee in the preceding session of Congress.

(d) Payments under this clause shall be made on vouchers authorized by the committee involved, signed by the chairman of the committee, except as provided in paragraph (e), and approved by the Committee on House Administration.

(e) Notwithstanding any provision of law, rule of the House, or other authority, from noon on January 3 of the first session of a Congress until the election by the House of the committee concerned in that Congress, payments under this clause shall be made on vouchers signed by—

(1) the member of the committee who served as chairman of the committee at the expiration of the preceding Congress; or

(2) if the chairman is not a Member, Delegate, or Resident Commissioner in the present Congress, then the ranking member of the committee as it was constituted at the expiration of the preceding Congress who is a member of the majority party in the present Congress.

(f)(1) The authority of a committee to incur expenses under this clause shall expire upon adoption by the House of a primary expense resolution for the committee.

(2) Amounts made available under this clause shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(3) This clause shall be effective only insofar as it is not inconsistent with a resolution reported by the Committee on House Administration and adopted by the House after the adoption of these rules.

Travel

8. (a) Local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States or its territories or possessions. Appropriated funds, including those authorized under this clause and clauses 6 and 8, may not be expended for the purpose of defraying expenses of members of a committee or its employees in a country where local currencies are available for this purpose.

(b) The following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(1) A member or employee of a committee may not receive or expend local currencies for subsistence in a country for a day at a rate in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for his expenses for a day at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual, unreimbursed expenses (other than for transportation) he incurred during that day.

(3) Each member or employee of a committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and funds expended for any other official purpose and shall summarize in these categories the total foreign currencies or appropriated funds expended. Each report shall be filed with the chairman of the committee not later than 60 days following the completion of travel for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(c)(1) In carrying out the activities of a committee outside the United States in a country where local currencies are unavailable, a member or employee of a committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for his expenses for a day, at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual unreimbursed expenses (other than for transportation) he incurred during that day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside the United States unless the member or employee actually paid for the transportation.

(d) The restrictions respecting travel outside the United States set forth in paragraph (c) also shall apply to travel outside the United States by a Member, Delegate, Resident Commissioner, officer, or employee of the House authorized under any standing rule.

Committee staffs

9. (a)(1) Subject to subparagraph (2) and paragraph (f), each standing committee may appoint, by majority vote, not more than 30 professional staff members to be compensated from the funds provided for the appointment of committee staff by primary and additional expense resolutions. Each professional staff member appointed under this subparagraph shall be assigned to the chairman and the ranking minority member of the committee, as the committee considers advisable.

(2) Subject to paragraph (f) whenever a majority of the minority party members of a standing committee (other than the Committee on Standards of Official Conduct or the Permanent Select Committee on Intelligence) so request, not more than 10 persons (or one-third of the total professional committee staff appointed under this clause, whichever is fewer) may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members under subparagraph (1). The committee shall appoint persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of a person so selected are unacceptable, a majority of the minority party members may select another person for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(b)(1) The professional staff members of each standing committee—

(A) may not engage in any work other than committee business during congressional working hours; and

(B) may not be assigned a duty other than one pertaining to committee business.

(2)(A) Subparagraph (1) does not apply to staff designated by a committee as ''associate'' or ''shared'' staff who are not paid exclusively by the committee, provided that the chairman certifies that the compensation paid by the committee for any such staff is commensurate with the work performed for the committee in accordance with clause 8 of rule X–XIII.

(B) The use of any ''associate'' or ''shared'' staff by a committee other than the Committee on Appropriations shall be subject to the review of, and to any terms, conditions, or limitations established by, the Committee on House Administration in connection with the reporting of any primary or additional expense resolution.

(c) Each employee on the professional or investigative staff of a standing committee shall be entitled to pay at a single gross per annum rate, to be fixed by the chairman and that does not exceed the maximum rate of pay as in effect from time to time under applicable provisions of law.

(d) Subject to appropriations hereby authorized, the Committee on Appropriations may appoint by majority vote such staff as it determines to be necessary (in addition to the clerk of the committee and assistants for the minority). The staff appointed under this paragraph, other than minority assistants, shall possess such qualifications as the committee may prescribe.

(e) A committee may not appoint to its staff an expert or other personnel detailed or assigned from a department or agency of the Government except with the written permission of the Committee on House Administration.

(f) If a request for the appointment of a minority professional staff member under paragraph (a) is made when no vacancy exists for such an appointment, the committee nevertheless may appoint under paragraph (a) a person selected by the minority and acceptable to the committee. A person so appointed shall serve as an additional member of the professional staff of the committee until such a vacancy occurs (other than a vacancy in the position of head of the professional staff, by whatever title designated), at which time that person is considered as appointed to that vacancy. Such a person shall be paid from the applicable accounts of the House described in clause 1(i)(1) of rule X. If such a vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill the vacancy.

(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a), and each staff member appointed to assist minority members of a committee pursuant to an expense resolution described in clause 6(a), shall be accorded equitable treatment with respect to the fixing of the rate of pay, the assignment of work facilities, and the accessibility of committee records.

(h) Paragraph (a) may not be construed to authorize the appointment of additional professional staff members of a committee pursuant to a request under paragraph (a) by the minority party members of that committee if 10 or more professional staff members provided for in paragraph (a)(1) who are satisfactory to a majority of the minority party members are otherwise assigned to assist the minority party members.

(i) Notwithstanding paragraph (a)(2), a committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, by an affirmative vote of a majority of the members of the majority party and of a majority of the members of the minority party.

B. Procedure for Committees and Unfinished Business—Rule XI of the House

Clauses 1, 2, 4, 5 and 6 of Rule XI are set out below.

In general

1. (a)(1)(A) Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

(2) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable.

(b)(1) Each committee may conduct at any time such investigations and studies as it considers necessary or appropriate in the exercise of its responsibilities under rule X. Subject to the adoption of expense resolutions as required by clause 6 of rule X, each committee may incur expenses, including travel expenses, in connection with such investigations and studies.

(2) A proposed investigative or oversight report shall be considered as read in committee if it has been available to the members for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).

(3) A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

(4) After an adjournment sine die of the last regular session of a Congress, an investigative or oversight report may be filed with the Clerk at any time, provided that a member who gives timely notice of intention to file supplemental, minority, or additional views shall be entitled to not less than seven calendar days in which to submit such views for inclusion in the report.

(c) Each committee may have printed and bound such testimony and other data as may be presented at hearings held by the committee or its subcommittees. All costs of stenographic services and transcripts in connection with a meeting or hearing of a committee shall be paid from the applicable accounts of the House described in clause 1(i)(1) of rule X.

(d)(1) Each committee shall submit to the House not later than January 2 of each odd-numbered year a report on the activities of that committee under this rule and rule X during the Congress ending at noon on January 3 of such year.

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

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee under clause 2(d) of rule X, a summary of the actions taken and recommendations made with respect to each such plan, a summary of any additional oversight activities undertaken by that committee, and any recommendations made or actions taken thereon.

(4) After an adjournment sine die of the last regular session of a Congress, the chairman of a committee may file an activities report under subparagraph (1) with the Clerk at any time and without approval of the committee, provided that—

(A) a copy of the report has been available to each member of the committee for at least seven calendar days; and

(B) the report includes any supplemental, minority, or additional views submitted by a member of the committee.

Adoption of written rules

2. (a)(1) Each standing committee shall adopt written rules governing its procedure. Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(C) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

(2) Each committee shall submit its rules for publication in the Congressional Record not later than 30 days after the committee is elected in each odd-numbered year.

Regular meeting days

(b) Each standing committee shall establish regular meeting days for the conduct of its business, which shall be not less frequent than monthly. Each such committee shall meet for the consideration of a bill or resolution pending before the committee or the transaction of other committee business on all regular meeting days fixed by the committee unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The chairman of each standing committee may call and convene, as he considers necessary, additional and special meetings of the committee for the consideration of a bill or resolution pending before the committee or for the conduct of other committee business, subject to such rules as the committee may adopt. The committee shall meet for such purpose under that call of the chairman.

(2) Three or more members of a standing committee may file in the offices of the committee a written request that the chairman call a special meeting of the committee. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If the chairman does not call the requested special meeting within three calendar days after the filing of the request (to be held within seven calendar days after the filing of the request) a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held. The written notice shall specify the date and hour of the special meeting and the measure or matter to be considered. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at that special meeting.

Temporary absence of chairman

(d) A member of the majority party on each standing committee or subcommittee thereof shall be designated by the chairman of the full committee as the vice chairman of the committee or subcommittee, as the case may be, and shall preside during the absence of the chairman from any meeting. If the chairman and vice chairman of a committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking majority member who is present shall preside at that meeting.

Committee records

(e)(1)(A) Each committee shall keep a complete record of all committee action which shall include—

(i) in the case of a meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(ii) a record of the votes on any question on which a record vote is demanded.

(B)(i) Except as provided in subdivision (B)(ii) and subject to paragraph (k)(7), the result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in its offices. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(ii) The result of any record vote taken in executive session in the Committee on Standards of Official Conduct may not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee.

(2)(A) Except as provided in subdivision (B), all committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of that committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of that committee.

(3) Each committee shall include in its rules standards for availability of records of the committee delivered to the Archivist of the United States under rule VII. Such standards shall specify procedures for orders of the committee under clause 3(b)(3) and clause 4(b) of rule VII, including a requirement that nonavailability of a record for a period longer than the period otherwise applicable under that rule shall be approved by vote of the committee.

(4) Each committee shall make its publications available in electronic form to the maximum extent feasible.

Prohibition against proxy voting

(f) A vote by a member of a committee or subcommittee with respect to any measure or matter may not be cast by proxy.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, by a standing committee or subcommittee thereof (other than the Committee on Standards of Official Conduct or its subcommittee) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade, or incriminate any person, or otherwise would violate a law or rule of the House. Persons, other than members of the committee and such noncommittee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the committee may authorize, may not be present at a business or

markup session that is held in executive session. This subparagraph does not apply to open committee hearings, which are governed by clause 4(a)(1) of rule X or by subparagraph (2).

(2)(A) Each hearing conducted by a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House.

(B) Notwithstanding the requirements of subdivision (A), in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, a majority of those present may—

(i) agree to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger national security, would compromise sensitive law enforcement information, or would violate clause 2(k)(5); or

(ii) agree to close the hearing as provided in clause 2(k)(5).

(C) A Member, Delegate, or Resident Commissioner may not be excluded from nonparticipatory attendance at a hearing of a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) unless the House by majority vote authorizes a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures specified in this subparagraph for closing hearings to the public.

(D) The committee or subcommittee may vote by the same procedure described in this subparagraph to close one subsequent day of hearing, except that the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence, and the subcommittees thereof, may vote by the same procedure to close up to five additional, consecutive days of hearings.

(3) The chairman of each committee (other than the Committee on Rules) shall make public announcement of the date, place, and subject matter of a committee hearing at least one week before the commencement of the hearing. If the chairman of the committee, with the concurrence of the ranking minority member, determines that there is good cause to begin a hearing sooner, or if the committee so determines by majority vote in the presence of the number of members required under the rules of the committee for the transaction of business, the chairman shall make the announcement at the earliest possible date. An announcement made under this subparagraph shall be published promptly in the Daily Digest and made available in electronic form.

(4) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(5)(A) Except as provided in subdivision (B), a point of order does not lie with respect to a measure reported by a committee on the ground that hearings on such measure were not conducted in accordance with this clause.

(B) A point of order on the ground described in subdivision (A) may be made by a member of the committee that reported the measure if such point of order was timely made and improperly disposed of in the committee.

(6) This paragraph does not apply to hearings of the Committee on Appropriations under clause 4(a)(1) of rule X.

Quorum requirements

(h)(1) A measure or recommendation may not be reported by a committee unless a majority of the committee is actually present.

(2) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which may not be less than two.

(3) Each committee (other than the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than for which the presence of a majority of the committee is otherwise required, which may not be less than one-third of the members.

(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.

Limitation on committee sittings

(i) A committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

Calling and questioning of witnesses

(j)(1) Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2)(A) Subject to subdivisions (B) and (C), each committee shall apply the five-minute rule during the questioning of witnesses in a hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

(B) A committee may adopt a rule or motion permitting a specified number of its members to question a witness for longer than five minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

Hearing procedures

(k)(1) The chairman at a hearing shall announce in an opening statement the subject of the hearing.

(2) A copy of the committee rules and of this clause shall be made available to each witness on request.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness—

(A) notwithstanding paragraph (g)(2), such testimony or evidence shall be presented in executive session if, in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, the committee determines by vote of a majority of those present that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) Evidence or testimony taken in executive session, and proceedings conducted in executive session, may be released or used in public sessions only when authorized by the committee, a majority being present.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Supplemental, minority, or additional views

(1) If at the time of approval of a measure or matter by a committee (other than the Committee on Rules) a member of the committee gives notice of intention to file supplemental, minority, or additional views for inclusion in the report to the House thereon, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) to file such views, in writing and signed by that member, with the clerk of the committee.

Power to sit and act, subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule

and rule X (including any matters referred to it under clause 2 of rule XII), a committee or subcommittee is authorized (subject to subparagraph (3)(A))—

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

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

(2) The chairman of the committee, or a member designated by the chairman, may administer oaths to witnesses.

(3)(A)(i) Except as provided in subdivision (A)(ii), a subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of an investigation or series of investigations or activities only when authorized by the committee or subcommittee, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee under such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by a member designated by the committee.

(ii) In the case of a subcommittee of the Committee on Standards of Official Conduct, a subpoena may be authorized and issued only by an affirmative vote of a majority of its members.

(B) A subpoena duces tecum may specify terms of return other than at a meeting or hearing of the committee or subcommittee authorizing the subpoena.

(C) Compliance with a subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

* * * * *

Audio and visual coverage of committee proceedings

4. (a) The purpose of this clause is to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings or committee meetings that are open to the public may be covered by audio and visual means—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body, and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution as an institution of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered under authority of this clause by audio or visual means, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or a Member, Delegate, or Resident Commissioner or bring the House, the committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(d) The coverage of committee hearings and meetings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever a hearing or meeting conducted by a committee or subcommittee is open to the public, those proceedings shall be open to coverage by audio and visual means. A committee or subcommittee chairman may not limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(f) Each committee shall adopt written rules to govern its implementation of this clause. Such rules shall contain provisions to the following effect:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Pay of witnesses

5. Witnesses appearing before the House or any of its committees shall be paid the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, Delegates, the Resident Commissioner, and employees of the House, plus actual expenses of travel to or from the place of examination. Such per diem may not be paid when a witness has been summoned at the place of examination.

Unfinished business of the session

6. All business of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.

C. Filing and Printing of Reports—Rule XIII, Clauses 2, 3 and 4 of the House

2. (a)(1) Except as provided in subparagraph (2), all reports of committees (other than those filed from the floor as privileged) shall be delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker in accordance with clause 1. The title or subject of each report shall be entered on the Journal and printed in the Congressional Record.

(2) A bill or resolution reported adversely shall be laid on the table unless a committee to which the bill or resolution was referred requests at the time of the report its referral to an appropriate calendar under clause 1 or unless, within three days thereafter, a Member, Delegate, or Resident Commissioner makes such a request.

(b)(1) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House a measure or matter approved by the committee and to take or cause to be taken steps necessary to bring the measure or matter to a vote.

(2) In any event, the report of a committee on a measure that has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which a written request for the filing of the report, signed by a majority of the members of the committee, has been filed with the clerk of the committee. The clerk of the committee shall immediately notify the chairman of the filing of such a request. This subparagraph does not apply to a report of the Committee on Rules with respect to a rule, joint rule, or order of business of the House, or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(c) All supplemental, minority, or additional views filed under clause 2(l) of rule XI by one or more members of a committee shall be included in, and shall be a part of,

the report filed by the committee with respect to a measure or matter. When time guaranteed by clause 2(l) of rule XI has expired (or, if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time. This clause and provisions of clause 2(l) of rule XI do not preclude the immediate filing or printing of a committee report in the absence of a timely request for the opportunity to file supplemental, minority, or additional views as provided in clause 2(l) of rule XI.

Content of reports

3. (a)(1) Except as provided in subparagraph (2), the report of a committee on a measure or matter shall be printed in a single volume that—

(A) shall include all supplemental, minority, or additional views that have been submitted by the time of the filing of the report; and

(B) shall bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (c)(3)) are included as part of the report.

(2) A committee may file a supplemental report for the correction of a technical error in its previous report on a measure or matter. A supplemental report only correcting errors in the depiction of record votes under paragraph (b) may be filed under this subparagraph and shall not be subject to the requirement in clause 4 concerning the availability of reports.

(b) With respect to each record vote on a motion to report a measure or matter of a public nature, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the committee report. The preceding sentence does not apply to votes taken in executive session by the Committee on Standards of Official Conduct.

(c) The report of a committee on a measure that has been approved by the committee shall include, separately set out and clearly identified, the following:

(1) Oversight findings and recommendations under clause 2(b)(1) of rule X.

(2) The statement required by section 308(a) of the Congressional Budget Act of 1974, except that an estimate of new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law.

(3) An estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 if timely submitted to the committee before the filing of the report.

(4) A statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding.

(d) Each report of a committee on a public bill or public joint resolution shall contain the following:

(1) A statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(2)(A) An estimate by the committee of the costs that would be incurred in carrying out the bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following that fiscal year (or for the authorized duration of any program authorized by the bill or joint resolution if less than five years);

(B) A comparison of the estimate of costs described in subdivision (A) made by the committee with any estimate of such costs made by a Government agency and submitted to such committee; and

(C) When practicable, a comparison of the total estimated funding level for the relevant programs with the appropriate levels under current law.

(3)(A) In subparagraph (2) the term ''Government agency'' includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(B) Subparagraph (2) does not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, or the Committee on Standards of Official Conduct, and does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been included in the report under paragraph (c)(3).

(e)(1) Whenever a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof, it shall include in its report or in an accompanying document—

(A) the text of a statute or part thereof that is proposed to be repealed; and

(B) a comparative print of any part of the bill or joint resolution proposing to amend the statute and of the statute or part thereof proposed to be amended, showing by appropriate typographical devices the omissions and insertions proposed.

(2) If a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof with a recommendation that the bill or joint resolution be amended, the comparative print required by subparagraph (1) shall reflect the changes in existing law proposed to be made by the bill or joint resolution as proposed to be amended.

* * * * *

Availability of reports

4. (a)(1) Except as specified in subparagraph (2), it shall not be in order to consider in the House a measure or matter reported by a committee until the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which each report of a committee on that measure or matter has been available to Members, Delegates, and the Resident Commissioner.

(2) Subparagraph (1) does not apply to—

(A) a resolution providing a rule, joint rule, or order of business reported by the Committee on Rules considered under clause 6;

(B) a resolution providing amounts from the applicable accounts described in clause 1(i)(1) of rule X reported by the Committee on House Administration considered under clause 6 of rule X;

(C) a bill called from the Corrections Calendar under clause 6 of rule XV;

(D) a resolution presenting a question of the privileges of the House reported by any committee;

(E) a measure for the declaration of war, or the declaration of a national emergency, by Congress; and

(F) a measure providing for the disapproval of a decision, determination, or action by a Government agency that would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress. In this subdivision the term ''Government agency'' includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or of the government of the District of Columbia.

(b) A committee that reports a measure or matter shall make every reasonable effort to have its hearings thereon (if any) printed and available for distribution to Members, Delegates, and the Resident Commissioner before the consideration of the measure or matter in the House.

(c) A general appropriation bill reported by the Committee on Appropriations may not be considered in the House until the third calendar day (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) on which printed hearings of the Committee on Appropriations thereon have been available to Members, Delegates, and the Resident Commissioner.

III. SELECTED MATTERS OF INTEREST

A. 5 U.S.C. See. 2954. Information to Committees of Congress on Request

An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Government Operations of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee.

B. 18 U.S.C. Sec. 1505. Obstruction of Proceedings Before Departments, Agencies, and Committees

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impedes the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power or inquiry under which any inquiry or investigation is being had by either House, or any committee or either House or any joint committee of the Congress—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

C. 31 U.S.C. Sec. 712. Investigating the Use of Public Money

The Comptroller General shall—

* * * * *

(3) analyze expenditures of each executive agency the Comptroller General believes will help Congress decide whether public money has been used and expended economically and efficiently;

(4) make an investigation and report ordered by either House of Congress or a committee of Congress having jurisdiction over revenue, appropriations, or expenditures; and

(5) give a committee of Congress having jurisdiction over revenue, appropriations, or expenditures the help and information the committee requests.

D. 31 U.S.C. See. 719. Comptroller General Reports

* * * * *

(e) The Comptroller General shall report on analyses carried out under section 712(3) of this title to the Committees on Governmental Affairs and Appropriations of the Senate, the Committees on Government Operations and Appropriations of the House, and the committees with jurisdiction over

legislation related to the operation of each executive agency.[1]

* * * * *

(i) On request of a committee of Congress, the Comptroller General shall explain to discuss with the committee or committee staff a report the Comptroller General makes that would help the committee—

(1) evaluate a program or activity of an agency within the jurisdiction of the committee; or

(2) in its consideration of proposed legislation.

E. 31 U.S.C. See. 717. Evaluating Programs and Activities of the United States Government

(d)(1) On request of a committee of Congress, the Comptroller General shall help the committee to—

(A) develop a statement of legislative goals and ways to assess and report program performance related to the goals, including recommended ways to assess performance, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing; and

(B) assess program evaluations prepared by and for an agency.

(2) On request of a member of Congress, the Comptroller General shall give the member a copy of the material the Comptroller General compiles in carrying out this subsection that has been released by the committee for which the material was compiled.

F. 31 U.S.C. Sec. 1113. Congressional Information

(a)(1) When requested by a committee of Congress having jurisdiction over receipts or appropriations, the President shall provide the committee with assistance and information.

(2) When requested by a committee of Congress, additional information related to the amount of an appropriation originally requested by an Office of Inspector General shall be submitted to the committee.

(b) When requested by a committee of Congress, by the Comptroller General, or by the Director of the Congressional Budget Office, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the head of each executive agency shall—

(1) provide information on the location and kind of available fiscal, budget, and program information;

(2) to the extent practicable, prepare summary tables of that fiscal, budget, and program information and related information of the committee, the Comptroller General, or the Director of the Congressional Budget Office considers necessary; and

(3) provide a program evaluation carried out or commissioned by an executive agency.

(c) In cooperation with the Director of the Congressional Budget Office, the Secretary, and the Director of the Office of Management and Budget, the Comptroller General shall—

(1) establish and maintain a current directory of sources of, and information systems for, fiscal, budget, and program information and a brief description of the contents of each source and system;

(2) when requested, provide assistance to committees of Congress and members of Congress in obtaining information from the sources in the directory; and

(3) when requested, provide assistance to committees and the extent practicable, to members of Congress in evaluating the information from the sources in the directory; and

(d) To the extent they consider necessary, the Comptroller General and the Director of the Congressional Budget Office individually or jointly shall establish and maintain a file of information to meet recurring needs of Congress for fiscal, budget, and program information to carry out this section and sections 717 and 1112 of this title. The file shall include information on budget requests, congressional authorizations to obligations and expenditures. The Comptroller General and the Director shall maintain the file and an index so that it is easier for the committees and agencies of Congress to use the file and index through data processing and communications techniques.

(e)(1) The Comptroller General shall—

(A) carry out a continuing program to identify the needs of committees and members of Congress for fiscal budget, and program information to carry out this section and section 1112 of this title;

(B) assist committees of Congress in developing their information needs;

(C) monitor recurring reporting requirements of Congress and committees; and

(D) make recommendations to Congress and committees for changes and improvements in those reporting requirements to meet information needs identified by the Comptroller General, to improve their usefulness to congressional users, and to eliminate unnecessary reporting.

(2) Before September 2 of each year, the Comptroller General shall report to Congress on—

(A) the needs identified under paragraph (1)(A) of this subsection;

(B) the relationship of those needs to existing reporting requirements;

(C) the extent to which reporting by the executive branch of the United States Government currently meets the identified needs;

(D) the changes to standard classifications necessary to meet congressional needs;

(E) activities, progress, and results of the program of the Comptroller General under paragraph (1)(B)–(D) of this subsection; and (F) progress of the executive branch in the prior year.

(3) Before March 2 of each year, the Director of the Office of Management and Budget and the Secretary shall report to Congress on plans for meeting the needs identified under paragraph (1)(A) of this subsection, including—

(A) plans for carrying out changes to classifications to meet information needs of Congress;

(B) the status of information systems in the prior year; and

(C) the use of standard classifications.

(Public Law 97–258, Sept. 13, 1982, 96 Stat. 914; Public Law 97452, §1(3), Jan. 12, 1983, 96 Stat. 2467.)

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

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

PUBLICATION OF THE RULES OF THE COMMITTEE ON FINANCIAL SERVICES 108TH CONGRESS

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

Mr. OXLEY. Mr. Speaker, Pursuant to clause 2(a)(2) of Rule XI of the Rules of the House of Representatives, I am reporting that the Committee on Financial Services adopted the following rules for the 108th Congress on February 5, 2003 in open session, a quorum being present, and submit those rules for publication in the Congressional Record:

RULES OF THE COMMITTEE ON FINANCIAL SERVICES

U.S. HOUSE OF REPRESENTATIVES

108TH CONGRESS

FIRST SESSION

RULE 1

GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee on Financial Services (hereinafter in these rules referred to as the ''Committee'') and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and shall be considered without debate. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

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

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

RULE 2

MEETINGS

Calling of Meetings

(a)(1) The Committee shall regularly meet on the first Tuesday of each month when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereinafter in these rules referred to as the ''Chair''), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair, in accordance with clause 2(g)(3) of rule XI of the rules of the House.

(4) Special meetings shall be called and convened by the Chair as provided in clause 2(c)(2) of rule XI of the Rules of the House.

Notice for Meetings

(b)(1) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least two calendar days before the time of the meeting.

(2) The Chair shall provide to each member of the Committee, at least two calendar days before the time of each regular meeting for each measure or matter on the agenda a copy of—

(A) the measure or materials relating to the matter in question; and

(B) an explanation of the measure or matter to be considered, which, in the case of an explanation of a bill, resolution, or similar measure, shall include a summary of the major provisions of the legislation, an explanation of the relationship of the measure to present law, and a summary of the need for the legislation.

(3) The agenda and materials required under this subsection shall be provided to each member of the Committee at least three calendar days before the time of the meeting where the measure or matter to be

[1] For other requirements which relate to General Accounting Office reports to Congress and which affect the committee, see secs. 232 and 236 of the Legislative Reorganization Act of 1970 (Public Law 91–150).

considered was not approved for full Committee consideration by a subcommittee of jurisdiction.

(4) The provisions of this subsection may be waived by a two-thirds vote of the Committee, or by the Chair with the concurrence of the ranking minority member.

RULE 3

MEETING AND HEARING PROCEDURES

In General

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television broadcast, radio broadcast, and still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules). Operation and use of any Committee operated broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of rule XI and all other applicable rules of the Committee and the House.

(4) Opening statements by members at the beginning of any hearing or meeting of the Committee shall be limited to 5 minutes each for the Chair or ranking minority member, or their respective designee, and 3 minutes each for all other members.

(5) No person, other than a Member of Congress, Committee staff, or an employee of a Member when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee rooms unless the Chair determines otherwise.

Quorum

(b)(1) For the purpose of taking testimony and receiving evidence, two members of the Committee shall constitute a quorum.

(2) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the rules of the House (except as provided in clause 2(g)(2)(A) and (B)) or of releasing executive session material pursuant to clause 2(k)(7) of rule XI of the rules of the House.

(3) For the purpose of taking any action other than those specified in paragraph (2) one-third of the members of the Committee shall constitute a quorum.

Voting

(c)(1) No vote may be conducted on any measure or matter pending before the Committee unless the requisite number of members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of one-fifth of the members present.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) In accordance with clause 2(e)(1)(B) of rule XI, a record of the vote of each member of the Committee on each record vote on any measure or matter before the Committee shall be available for public inspection at the offices of the Committee, and, with respect to any record vote on any motion to report or on any amendment, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

(5) POSTPONED RECORD VOTES.—(A) Subject to subparagraph (B), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time, but no later than the next meeting day.

(B) In exercising postponement authority under subparagraph (A), the Chairman shall take all reasonable steps necessary to notify members on the resumption of proceedings on any postponed record vote;

(C) 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.

Hearing Procedures

(d)(1)(A) The Chair shall make public announcement of the date, place, and subject matter of any committee hearing at least one week before the commencement of the hearing, unless the Chair, with the concurrence of the ranking minority member, or the Committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chair shall make the announcement at the earliest possible date.

(B) Not less than three days before the commencement of a hearing announced under this paragraph, the Chair shall provide to the members of the Committee a concise summary of the subject of the hearing, or, in the case of a hearing on a measure or matter, a copy of the measure or materials relating to the matter in question and a concise explanation of the measure or matter to be considered. (2) To the greatest extent practicable—

(A) each witness who is to appear before the Committee shall file with the Committee two business days in advance of the appearance sufficient copies (including a copy in electronic form), as determined by the Chair, of a written statement of proposed testimony and shall limit the oral presentation to the Committee to brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(3) The requirements of paragraph (2)(A) may be modified or waived by the Chair when the Chair determines it to be in the best interest of the Committee.

(4) The five-minute rule shall be observed in the interrogation of witnesses before the Committee until each member of the Committee has had an opportunity to question the witnesses. No member shall be recognized for a second period of 5 minutes to interrogate witnesses until each member of the Committee present has been recognized once for that purpose.

(5) Whenever any hearing is conducted by the Committee on any measure or matter, the minority party members of the Committee shall be entitled, upon the request of a majority of them before the completion of the hearing, to call witnesses with respect to that measure or matter during at least one day of hearing thereon.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, or pursuant to paragraph (2).

(2) The Chair, with the concurrence of the ranking minority member, may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the Chair, authorization and issuance of the subpoena is necessary to obtain the material or testimony set forth in the subpoena. The Chair shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable, but in no event later than one week after service of such subpoena.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

Special Procedures

(f)(1)(A) COMMEMORATIVE MEDALS AND COINS.—It shall not be in order for the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology to hold a hearing on any commemorative medal or commemorative coin legislation unless the legislation is cosponsored by at least two-thirds of the members of the House and has been recommended by the U.S. Mint's Citizens Commemorative Coin Advisory Committee in the case of a commemorative coin.

(B) It shall not be in order for the subcommittee to approve a bill or measure authorizing commemorative coins for consideration by the full Committee which does not conform with the mintage restrictions established by section 5112 of title 31, United States Code.

(C) In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards—

(i) the recipient shall be a natural person;

(ii) the recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(iii) the recipient shall not have received a medal previously for the same or substantially the same achievement;

(iv) the recipient shall be living or, if deceased, shall have been deceased for not less than 5 years and not more than 25 years;

(v) the achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by others in the same field, as evidenced by the recipient having received the highest honors in the field.

(2) TESTIMONY OF CERTAIN OFFICIALS.—

(A) Notwithstanding subsection (a)(4), when the Chair announces a hearing of the Committee for the purpose of receiving—

(i) testimony from the Chairman of the Federal Reserve Board pursuant to section 2B of the Federal Reserve Act (12 U.S.C. 221 et seq.), or

(ii) testimony from the Chairman of the Federal Reserve Board or a member of the President's cabinet at the invitation of the

Chair, the Chair may, in consultation with the ranking minority member, limit the number and duration of opening statements to be delivered at such hearing. The limitation shall be included in the announcement made pursuant to subsection (d)(1)(A), and shall provide that the opening statements of all members of the Committee shall be made a part of the hearing record.

RULE 4

PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a) No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present.

(b) The Chair of the Committee shall report or cause to be reported promptly to the House any measure approved by the Committee and take necessary steps to bring a matter to a vote.

(c) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure pursuant to the provisions of clause 2(b)(2) of rule XIII of the Rules of the House.

(d) All reports printed by the Committee pursuant to a legislative study or investigation and not approved by a majority vote of the Committee shall contain the following disclaimer on the cover of such report: ''This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members.''

RULE 5

SUBCOMMITTEES

Establishment and Responsibilities of Subcommittees

(a)(1) There shall be 5 subcommittees of the Committee as follows:

(A) SUBCOMMITTEE ON CAPITAL MARKETS, INSURANCE, AND GOVERNMENT SPONSORED ENTERPRISES.—The jurisdiction of the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises includes—

(i) securities, exchanges, and finance;

(ii) capital markets activities;

(iii) activities involving futures, forwards, options, and other types of derivative instruments;

(iv) secondary market organizations for home mortgages including the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation;

(v) the Office of Federal Housing Enterprise Oversight;

(vi) the Federal Home Loan Banks; and

(vii) insurance generally.

(B) SUBCOMMITTEE ON DOMESTIC AND INTERNATIONAL MONETARY POLICY, TRADE, AND TECHNOLOGY.—The jurisdiction of the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology includes—

(i) financial aid to all sectors and elements within the economy;

(ii) economic growth and stabilization;

(iii) defense production matters as contained in the Defense Production Act of 1950, as amended;

(iv) domestic monetary policy, and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic financial institutions;

(v) coins, coinage, currency, and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including the coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations of the Bureau of the Mint and the Bureau of Engraving and Printing;

(vi) development of new or alternative forms of currency;

(vii) multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(viii) international trade, including but not limited to the activities of the Export-Import Bank;

(ix) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto; and

(x) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

(C) SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER CREDIT.—The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit includes—

(i) all agencies, including the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, the Office of Thrift Supervision, and the National Credit Union Administration, which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) the chartering, branching, merger, acquisition, consolidation, or conversion of financial institutions;

(iii) consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers;

(iv) creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards, and the preemption of State usury laws;

(v) consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(vi) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(vii) deposit insurance; and

(viii) consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts.

(D) SUBCOMMITTEE ON HOUSING AND COMMUNITY OPPORTUNITY.—The jurisdiction of the Subcommittee on Housing and Community Opportunity includes—

(i) housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; private mortgage insurance; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant relations); and real estate lending including regulation of settlement procedures;

(ii) community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales;

(iii) government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards; and

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

(E) SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS.—The jurisdiction of the Subcommittee on Oversight and Investigations includes—

(i) the oversight of all agencies, departments, programs, and matters within the jurisdiction of the Committee, including the development of recommendations with regard to the necessity or desirability of enacting, changing, or repealing any legislation within the jurisdiction of the Committee, and for conducting investigations within such jurisdiction; and

(ii) research and analysis regarding matters within the jurisdiction of the Committee, including the impact or probable impact of tax policies affecting matters within the jurisdiction of the Committee.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Referral of Measures and Matters to Subcommittees

(b)(1) The Chair shall regularly refer to one or more subcommittees such measures and matters as the Chair deems appropriate given its jurisdiction and responsibilities. In making such a referral, the Chair may designate a subcommittee of primary jurisdiction and subcommittees of additional or sequential jurisdiction.

(2) All other measures or matters shall be subject to consideration by the full Committee.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(c)(1) Members shall be elected to each subcommittee and to the positions of chair and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the Committee shall designate a member of the majority party on each subcommittee as its vice chair.

(2) The Chair and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

(3) The subcommittees shall be comprised as follows:

(A) The Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises shall be comprised of 49 members, 26 elected by the majority caucus and 23 elected by the minority caucus.

(B) The Subcommittee on Domestic and International Monetary Policy, Trade, and Technology shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(C) The Subcommittee on Financial Institutions and Commercial Credit shall be comprised of 47 members, 25 elected by the majority caucus and 22 elected by the minority caucus.

(D) The Subcommittee on Housing and Community Opportunity shall be comprised of 26 members, 14 elected by the majority caucus and 12 elected by the minority caucus.

(E) The Subcommittee on Oversight and Investigations shall be comprised of 20 members, 11 elected by the majority caucus and 9 elected by the minority caucus.

Subcommittee Meetings and Hearings

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it, consistent with subsection (a).

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the Committee.

(3) The chair of each subcommittee shall set hearing and meeting dates only with the approval of the Chair with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

Effect of a Vacancy

(e) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee as long as the required quorum is present.

Records

(f) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6

STAFF

In General

(a)(1) Except as provided in paragraph (2), the professional and other staff of the Committee shall be appointed, and may be removed by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional and other staff provided to the minority party members of the Committee shall be appointed, and may be removed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) It is intended that the skills and experience of all members of the Committee staff be available to all members of the Committee.

Subcommittee Staff

(b) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the Rules of the House, ensure that sufficient staff is made available so that each subcommittee can carry out its responsibilities under the rules of the Committee and that the minority party is treated fairly in the appointment of such staff.

Compensation of Staff

(c)(1) Except as provided in paragraph (2), the Chair shall fix the compensation of all professional and other staff of the Committee.

(2) The ranking minority member shall fix the compensation of all professional and other staff provided to the minority party members of the Committee.

RULE 7

BUDGET AND TRAVEL

Budget

(a)(1) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

(2) From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chair, after consultation with the ranking minority member, shall designate an amount to be under the direction of the ranking minority member for the compensation of the minority staff, travel expenses of minority members and staff, and minority office expenses. All expenses of minority members and staff shall be paid for out of the amount so set aside.

Travel

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 8

COMMITTEE ADMINISTRATION

Records

(a)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

Committee Publications on the Internet

(b) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

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

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

SUPPORT H.R. 837 TO REDUCE AMERICAN DEPENDENCE ON FOREIGN ENERGY

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

Mr. OSBORNE. Mr. Speaker, many of us have noticed that fuel prices are approaching $2 per gallon. We have doubled petroleum imports from Iraq in the last couple of months. This has been due largely to the Venezuelan crisis. We are currently averaging 6 billion barrels a year of imported fuel from Iraq. As anyone might suppose, we may eventually lose that supply. Nearly 60 percent of all oil is from foreign sources, and this should grow to roughly 70 percent by the year 2020.

Recently the gentleman from Minnesota (Mr. PETERSON) and I have introduced H.R. 837 which would, partially at least, address this problem.

H.R. 837 amends section 211 of the Clean Air Act. It requires the use of at least 2.3 billion gallons of renewable fuels during the year 2004, and that would increase to 5 billion gallons by the year 2012.

Renewable fuels are fuels produced from grain, sewage, feedlot waste, or other decaying organic materials. Ethanol and biodiesel are the two primary sources of renewable fuels.

Ethanol contains 34 percent more energy than is required to produce it. This combats the myth that many people think it takes more energy to produce ethanol than ethanol actually produces. That is not true.

Ethanol improves octane level in fuels. It improves air quality and allows us to meet EPA clean air requirements. And, possibly as important as anything, it replaces the additive

MTBE, which has been proven to pollute groundwater and is being phased out throughout the Nation. Of course, our legislation requires MTBE to be phased out over the next 4 years. Ethanol results in by-products of animal feed and biodegradable plastics, which certainly adds value to the agricultural community.

This legislation, H.R. 837, would replace nearly all of the oil that we currently import from Iraq by the year 2012, which is roughly 6 billion gallons per year. It would also reduce foreign oil purchases by $34 billion a year. Currently, roughly 25 percent of the trade imbalance that we have is caused by the purchase of foreign petroleum. So this is an important thing.

Also this legislation would create 200,000 new jobs in the United States, it would increase farm income by roughly $6 billion annually and lessen our dependence on farm program payments. Ethanol currently comprises 1 percent of U.S. fuel supply. H.R. 837 would increase the use of ethanol to at least 3 percent by the year 2012. Currently, by contrast, Brazil has 22 percent of its fuel supply from ethanol.

Most automobiles can burn ethanol fuel at an 85 percent level. Currently there are over 200 State and Federal automobile fleets that use a biodiesel blend of 20 percent. So a 3 percent usage of ethanol is just the tip of the iceberg. We certainly can go much further with this particular technology.

Ethanol production is expanding rapidly. We had 12 new plants come into production last year. We have 10 new plants under construction this year, and many plants that are expanding. Eighty percent of California's reformulated gasoline contains ethanol at the present time. Many people thought at one time that the ethanol production was not such that California could be satisfied, so supply is really not a problem at the present time.

Mr. Speaker, this legislation provides flexibility in compliance with oxygenated fuel standards at the State and local level. This is not a mandate that is going to restrict anybody unnecessarily. This should cut refinery costs when compared to current fuel regulations.

Mr. Speaker, I urge my colleagues to support H.R. 837, because it decreases dependence on foreign oil while improving air quality, lessening groundwater pollution, improving farm income and providing hundreds of thousands of jobs for American citizens.

CONCERNS ABOUT AMERICA'S GLOBAL ALLIANCES

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

Ms. KAPTUR. Mr. Speaker, tonight I wish to place on the record my deepening concerns about America's global alliances. A few weeks ago, it was with shock and dismay that I observed our President purposely fail to extend congratulations to German Chancellor Gerhard Schroeder on his reelection. The President's behavior was inappropriate and damaging. Germany has stood as our Nation's most cooperative ally for over 50 years as our nations rebuilt Europe, weathered the Cold War and linked our economies with shared democratic values and a rule of law.

NATO has stood as the bulwark against the most awful forms of tyranny and repression. NATO is not the ''Old Europe,'' in Secretary Rumsfeld's poorly chosen words. It is the democratic, dependable Europe that has withstood the test of time. It is the modern Europe that has always stood at America's side.

I have been blessed to live through an era when President John F. Kennedy stood at the Brandenburg Gate, when Berlin was a divided city between the forces of freedom and repression, to proclaim for freedom-loving people everywhere, ''Ich bin ein Berliner.''

For the vast majority of Americans of this post-World War II period, we express to the German people and their government profound gratitude for your alliance with America, your sister Republic.

□ 1915

Never before in my 20 years in Congress have I felt compelled to place a call to the German Embassy to offer my congratulations to the German Chancellor, as well as the congratulations of all Americans of goodwill to the Chancellor. Indeed, it is no secret that Germany has dispatched its own peacekeeping forces to Afghanistan to help secure the first bloody tranche of peace, a most dangerous and difficult assignment.

So, tonight, I want again to formally thank the Chancellor, the members of the Bundestag, and the German people for their resolve and enduring friendship with America. I thank the Bundestag, as well, for their ongoing exchange with our Congress.

Despite reckless White House rhetoric, Germany's ties to America are deep and growing. Then this past month, we witnessed the Bush administration publicly humiliate France. France too has suffered and suffers as a result of terrorism. They know a great deal about terrorism.

Mr. Speaker, let me remind the American people how essential France was to the establishment of our own independent Nation. During the Revolutionary War, the French forces allied with our Continental revolutionaries, and they were indispensable to our victory over the British crown. French General Marquis de Lafayette was dispatched by General George Washington to rout out the British forces. About 5,500 French soldiers, led by Lieutenant Jean Rochambeau, drove the British from New York; and ultimately, the French and American forces were victorious at Yorktown. Mr. Speaker, 5,500 French troops in those days was a huge commitment by the nation of France. Our Republic owes much to France and the people of France, and I wish to thank them tonight in their own words.

Donc, ce soir je voudrais exprimer mon gratitude profonde envers le President Chirac et envers le parlement français de leur alliance durable avec notre pays et avec l'OTAN. Je voudrais aussi offrir de respect au ministre de l'Etranger de la France, Dominique de Villipin—je ne veux absolument pas le châtier. Le monde civilisé ne peut pas encore savoir la meilleure méthode pour endiguer le terrorisme grandissant qui est engendré par la ferveur révolutionnaire trouvée au Moyen-Orient et à l'Asie Centrale. Mais je suis certaine d'une chose: nous ne réussirons pas sans nos alliés historiques et valables en l'Europe—ni face à leur opposition. La guerre doit être la dernière ressource, après que les inspections raisonnables exécutées par les agents de l'ONU auront épuisé.

Je veu parler des rapports entre les gouvernements de la France et des Etats-Unis et entre les citoyens de nos pays. Notre amitié est importante et historique, et date des jours où le général Lafayette nous aidait pendant notre guerre de l'indépendance. Même notre capitale, la ville de Washington, a été dessiné par un français, Pierre L'Enfant, et a pris modèle sur la ville de Paris. Les mots de la révolution française—liberté, égalité, fraternité—restent vrais aujourd'hui et dans notre congrès, ils sont vraiment gravés pour toujours.

(English translation of the above statement is as follows:)

Our friendship is important and historic, and dates from the days when General Lafayette helped us during our war for independence. Even our capital, the city of Washington, was designed by a Frenchman, Pierre L'Enfant, and was modeled after Paris. The words of the French revolution—liberty, equality, brotherhood—remain true today and in our Congress, they are truly carved for all time. U.S. President and U.S. ambassador to France, Thomas Jefferson wrote,

''I do not believe war the most certain means of enforcing principles. Those peaceable coercions which are in the power of every nation, if undertaken in concert and in time of peace, are more likely to produce the desired effect.''—Thomas Jefferson to Robert Livingston, 1801.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEAUPREZ). The Chair understands the gentlewoman will supply the Clerk with the English translation for the RECORD.

Ms. KAPTUR. Yes, Mr. Speaker.

ANOTHER UNITED NATIONS WAR?

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

Mr. PAUL. Mr. Speaker, President Bush, Sr., proudly spoke of ''The New World Order,'' a term used by those who promote one-world government under the United Nations. In going to war in 1991, he sought and received U.N. authority to push Iraqi forces out of Kuwait. He forcefully stated that this U.N. authority was adequate and that although a congressional resolution was acceptable, it was entirely unnecessary and he would proceed regardless. At that time, there was no discussion regarding a congressional declaration of war. The first Persian Gulf War, therefore, was clearly a U.N. political war fought within U.N. guidelines, not for U.S. security; and it was not fought through to victory. The bombings, sanctions, and harassment of the Iraqi people have never stopped. We are now about to resume the act of fighting. Although this is referred to as the Second Persian Gulf War, it is merely a continuation of a war started long ago and is likely to continue for a long time, even after Saddam Hussein is removed from power.

Our attitude toward the United Nations is quite different today compared to 1991. I have argued for years against our membership in the United Nations because it compromises our sovereignty. The U.S. has always been expected to pay an unfair percentage of U.N. expenses. I contend that membership in the United Nations has led to impractical military conflicts that were highly costly, both in lives and dollars, and that were rarely resolved.

Our 58 years in Korea have seen 33,000 lives lost, 100,000 casualties and over $1 trillion in today's dollars spent. Korea is the most outrageous example of our fighting a U.N. war without a declaration from the U.S. Congress. And where are we today? On the verge of a nuclear confrontation with a North Korean regime nearly out of control. And to compound the irony, the South Koreans are intervening in hopes of diminishing the tensions that exist between the United States and North Korea.

As bad as the Vietnam nightmare was, at least we left and the U.N. was not involved. We left in defeat and Vietnam remained a unified, Communist country. The results have been much more salutary. Vietnam is now essentially non-Communist and trade with the West is routine. We did not disarm Vietnam; we never counted their weapons; and so far, no one cares. Peaceful relations have developed between our two countries not by force of arms, but through trade and friendship. No United Nations, no war, and no inspections served us well, even after many decades of war and a million deaths inflicted on the Vietnamese in an effort by both the French and the United States to force them into compliance with Western demands.

In this new battle with Iraq, our relationship with the United Nations and our allies is drawing a lot of attention. The administration now says it would be nice to have U.N. support, but it is not necessary. The President argues that a unilateralist approach is permissible with his understanding of national sovereignty, but no mention is made of the fact that the authority to go to war is not a U.N. prerogative and that such authority can only come from the U.S. Congress.

Although the argument that the United Nations cannot dictate to us what is in our best interests is correct, and we do have a right to pursue foreign policy unilaterally, it is ironic that we are making this declaration in order to pursue an unpopular war that very few people or governments throughout the world support.

But the argument for unilateralism and national sovereignty cannot be made for the purpose of enforcing U.N. security resolutions. That does not make any sense. If one wants to enforce U.N. Security Council resolutions, that authority can only come from the United Nations itself. We end up with the worst of both worlds, hated for our unilateralism, but still lending credibility to the United Nations.

The Constitution makes it clear that if we must counter a threat to our security, that authority must come from the U.S. Congress.

Those who believe, and many sincerely do, that the United Nations serves a useful function, argue that ignoring the United Nations at this juncture will surely make it irrelevant. Even with my opposition to the United Nations, I can hardly be pleased that its irrelevancy might come about because of our rush to war against a nation that has not aggressed against us nor poses any threat to us.

From my viewpoint, the worst scenario would be for the United Nations to sanction this war, which may well occur if we offer enough U.S. taxpayer money and Iraqi oil to the reluctant countries. If that happens, we could be looking at another 58-year occupation, expanded Middle East chaos, or a dangerous spread of hostility to all of Asia or even further.

With regard to foreign affairs, the best advice comes from our Founders and the Constitution. It is better to promote peace and commerce with all nations and exclude ourselves from the entangling alliances and complex, unworkable alliances that comes from our membership in the United Nations.

REMEMBERING THE VICTIMS OF THE STATION NIGHTCLUB FIRE IN RHODE ISLAND

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

Mr. LANGEVIN. Mr. Speaker, I rise tonight with great sorrow and a heavy heart to honor the victims of last week's horrific night club fire at the Station Night Club in West Warwick, Rhode Island, that claimed 97 lives and left 187 injured.

In any community, that tragedy would have been overwhelming; but in a small State like Rhode Island, when a close-knit town in the center of our State falls victim to one of the worst nightclub fires in the Nation's history, the impact is simply incomprehensible. It is said that in our world today, only 6 degrees separates each one of us from any other person. As our Attorney General remarked, in Rhode Island, that distance is more like 1½ degrees. Everyone here has a connection to one of the victims and, indeed, connections are being made by people all across New England and the country.

As Rhode Islanders begin the healing process, I want to express my deepest condolences to those friends and family members who lost loved ones in this horrible fire. There are no words to adequately express our profound sadness. Please know that you are in the thoughts and prayers of all Americans, and we will not let the lives of those 97 sons, daughters, sisters, brothers, mothers, and fathers be forgotten.

As of this afternoon, 64 people remain hospitalized, 46 of them in critical condition. Mr. Speaker, I know my colleagues join me in offering our prayers for their quick and full recovery. They are fighting every hour, and they need our strength now more than ever. Our best wishes go out to them and their families as they weather the tough days ahead.

I would also like to express my immense gratitude to the incredible and heroic efforts of the multitude of people and agencies throughout Rhode Island and Massachusetts who have helped respond to this disaster.

The firefighters, police, and emergency responders who were first on the scene made a Herculean effort under unimaginable circumstances, and we surely have them to thank that even more lives were not lost. In addition, over a dozen hospitals in Rhode Island and Massachusetts have been caring for the patients since this tragedy, many of whom have made amazing progress. The doctors and nurses and the support staff of these hospitals have worked tirelessly to help nearly 200 injured victims, and we are grateful for their service.

As usual, when tragedy strikes Rhode Island, our community has proven strong, resilient, and boundlessly generous. I want to recognize the work of countless volunteers who have put their own lives on hold to offer time, financial resources, and the many other kinds of assistance and who helped in any way that they could. Likewise, many members of our State's business community have come forward to provide everything from food and shelter to transportation to those affected by this event. I would particularly like to thank the Red Cross and its scores of volunteers and for all that they have done to give comfort and assistance to those whose loved ones were lost or injured.

I would also like to commend the excellent response by Rhode Island's elected officials and State and local

agencies. Our governor, Governor Carcieri, has provided outstanding leadership throughout this tragedy and shown extraordinary sensitivity to the families involved, and I have personally heard from many of them how much they appreciate his efforts. Lieutenant Governor Charles Fogarty and Major General Reginald Centracchio, as cochairs of the Management Advisory Council, have also played a crucial role in this crisis, and the Rhode Island Emergency Management Agency has impressively and effectively coordinated a myriad of State and local activities.

I would also like to thank my colleague, the gentleman from Rhode Island (Mr. PATRICK KENNEDY), for his assistance, his friendship, and his support over the past several days, and Rhode Island's senior Senator, JACK REED, and Senator LINCOLN CHAFEE for their tremendous efforts and leadership.

□ 1930

Finally, I want to express my great appreciation for the assistance of several Federal agencies, including FEMA, Social Security, the Small Business Administration, the Department of Health and Human Services, and the Bureau of Alcohol, Tobacco, and Firearms. Their involvement has been critical, and I look forward to working with them further in the days and weeks to come.

Mr. Speaker, in closing, allow me to offer these final thoughts.

For those that have lost their lives, we can only take comfort that they are now in a better place. For those that fight hour to hour, we pray for their recovery. For the families and friends who have lost loved ones, we offer our shoulders to lean on in their time of need. For all Rhode Islanders and our fellow citizens across the country, it is our time to provide strength, comfort, and assistance to those who need it, and do whatever it takes to ensure that such a tragedy never befalls any community such as this again.

IN SUPPORT OF THE EATING DISORDERS AWARENESS, PREVENTION AND EDUCATION ACT OF 2003

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

Mrs. BIGGERT. Mr. Speaker, food is one of life's greatest pleasures. Food is also one of life's greatest necessities. Yet, for many, food is an enemy and the act of eating is torture.

An estimated 5 million to 10 million Americans suffer from eating-related diseases, including anorexia, bulimia, and binge-eating disorders. As many as 50,000 of those affected will die as a direct result of these disorders.

Young women are the most common victims of these deadly diseases, but a significant number of males also experience eating-related disorders. We are all aware of the medical complications that result from anorexia and bulimia: malnutrition, liver damage, gum erosion, and even death. However, an often-overlooked consequence of eating disorders is the negative impact they have on a child's educational achievement. Students with eating disorders often see their school performance decline due to lapses in concentration, loss of self-esteem, depression, and engaging in self-destructive behaviors.

Listen to how one young woman in our district describes the destruction done to her life by an eating disorder: ''I am a 16-year-old with anorexia. Having this disease has been the most horrible experience of my life. It completely takes control of your life. It breaks up your family, friends, and your actual thinking decisions. I have had this disorder for over a year and a half. Over that year and a half I have been slowly killing myself.''

Despite the social and physical devastation that these diseases inflict on young people such as this girl, very few States or school districts have adequate programs or services to help children suffering from weight-related disorders. It is not that educators or parents do not realize the problems caused by bulimia or binge-eating or are unable to identify affected students; in many cases, they either do not know how to respond to the problem or are without the resources to help educate our youth about the dangers of eating disorders.

It is for this reason that I am introducing the Eating Disorders Awareness, Prevention and Education Act of 2003. This legislation has three parts which together are designed to raise awareness nationally of the problems caused by eating disorders, and to expand opportunities for parents and educators to address them at the school level. This last goal is particularly important as 86 percent of the affected individuals develop their eating disorders before the age 20.

Here is a quick summary of what the Eating Disorders Awareness, Prevention and Education Act will do:

First, the legislation provides States and local school districts with the option of using title V funds to set up eating disorder prevention, awareness and education programs. Under the No Child Left Behind Act, title V funds can be used for nine specific activities to improve the academic outcome of students. This legislation would make eating disorders awareness, education and prevention the tenth allowable use.

Because this legislation expands what States and school districts can do with funds they already receive, it allows us to help vulnerable students without increasing the Federal Government's involvement in local education matters or creating a new Federal program.

The second major provision of this bill ties in with the first. It requires the National Center for Education Statistics at the Department of Education and the National Center for Health Statistics at the Department of Health and Human Services to conduct a joint study and report to Congress on the impact eating disorders have on educational advancement and achievement.

The study will evaluate the extent to which students with eating disorders are more likely to miss school, have delayed rates of development, or reduce cognitive skills. The study will also outline current State and local programs to educate youth about the dangers of eating disorders, as well as evaluate the value of such programs.

The third and final piece of this legislation calls for the Department of Education and Health and Human Services to carry out a national eating disorders public awareness campaign. This campaign will be similar to the antidrug campaign now being run by the Office of National Drug Control Policy.

Mr. Speaker, there is no easy solution to the problem of eating disorders. They present a serious threat to the health and educational advancement of our Nation's children. They must be addressed.

The Eating Disorders Awareness, Prevention and Education Act gives States, local school districts, and parents the tools needed to address this problem at its root: in schools and classrooms across America. At the same time, it continues the principle of local control of education, makes good use of limited Federal resources, and increases educational opportunities for this group of at-risk children.

Let me close by quoting another young woman from my district struggling with an eating disorder. After describing her tragic battle with anorexia, she closed her letter by saying this: ''I really hope that you now realize how important it is to have some awareness and programs in schools about eating disorders.''

I do understand, Mr. Speaker, and hope my colleagues will join me in supporting this much needed legislation.

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

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

PUBLICATION OF THE RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS 108TH CONGRESS

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

Mr. HYDE. Mr. Speaker, the Committee on International Relations has adopted written rules governing its procedure. Pursuant to Rule XI, clause 2, I am hereby submitting them for publication in the CONGRESSIONAL RECORD.

RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS 108TH CONGRESS

RULE 1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular, the committee rules enumerated in clause 2 of Rule XI, are the rules of the Committee on International Relations (hereafter referred to as the ''Committee''), to the extent applicable. A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, is a privileged non-debatable motion in Committee.

The Chairman of the Committee on International Relations (hereinafter referred to as the ''Chairman'') shall consult the Ranking Minority Member to the extent possible with respect to the business of the Committee. Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee and to its rules, to the extent applicable.

RULE 2. DATE OF MEETING

The regular meeting date of the Committee shall be the first Tuesday of every month when the House of Representatives is in session pursuant to clause 2(b) of Rule XI of the House of Representatives. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to clause 2(c) of Rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if, in the judgment of the Chairman, there is no business to be considered.

RULE 3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-third of the Members of the Committee shall constitute a quorum for taking any action, except: (1) reporting a measure or recommendation; (2) closing Committee meetings and hearings to the public; (3) authorizing the issuance of subpoenas; and (4) any other action for which an actual majority quorum is required by any rule of the House of Representatives or by law.

No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

A record vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member.

RULE 4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) MEETINGS

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public, because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise violate any law or rule of the House of Representatives. No person other than Members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This subsection does not apply to open Committee hearings which are provided for by subsection (b) of this rule.

(2) The chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter, or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time. When exercising postponement authority, the Chairman shall take all reasonable steps necessary to notify Members on the resumption of proceedings on any postponed record vote. 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.

(b) HEARINGS

(1) Each hearing conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day should be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or otherwise would violate any law or rule of the House of Representatives. Notwithstanding the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony—

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate paragraph (2) of this subsection; or

(B) may vote to close the hearing, as provided in paragraph (2) of this subsection.

(2) Whenever it is asserted by a member of the Committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness—

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (1) of this subsection, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee unless the House of Representatives has by majority vote authorized the Committee or subcommittee, for purposes of a particular series of hearings, on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public.

(4) The Committee or a subcommittee may by the procedure designated in this subsection vote to close one (1) subsequent day of hearing.

(5) No congressional staff shall be present at any meeting or hearing of the Committee or a subcommittee that has been closed to the public, and at which classified information will be involved, unless such person is authorized access to such classified information in accordance with Rule 20.

RULE 5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and subject matter of any hearing or markup to be conducted by the Committee or a subcommittee at the earliest possible date, and in any event at least one (1) week before the commencement of that hearing or markup unless the Committee or subcommittee determines that there is good cause to begin that meeting at an earlier date, in consultation with the Ranking Minority Member of the Committee or subcommittee, as the case may be. Such determination may be made with respect to any markup by the Chairman or subcommittee chairman, as appropriate. Such determination may be made with respect to any hearing of the Committee or of a subcommittee by its Chairman, with the concurrence of its Ranking Minority Member, or by the Committee or subcommittee by majority vote, a quorum being present for the transaction of business.

Public announcement of all hearings and markups shall be published in the Daily Digest portion of the Congressional Record. Members shall be notified by the Chief of Staff of all meetings (including markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting, setting out all items of business to be considered, including whenever possible a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee Member by delivery to the Member's office at least 24 hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. Bills or subjects not listed on such agenda shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or subcommittee or by the Chairman and Ranking Minority Member of the Committee or subcommittee.

RULE 6. WITNESSES

(a) Interrogation of Witnesses

(1) Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption subject to reasonable time constraints imposed by the Chairman, with questioning by the Committee Members taking place afterward. Members should refrain from questions until such statements are completed.

(2) In recognizing Members, the Chairman shall, to the extent practicable, give preference to the Members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the Members actually present. A Member desiring to speak or ask a question shall address the Chairman and not the witness.

(3) Subject to paragraph (4), each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

(4) Notwithstanding paragraph (3), the Chairman, with the concurrence of the Ranking Minority Member, may permit one (1) or more majority members of the Committee designated by the Chairman to question a witness for a specified period of not

longer than 30 minutes. On such occasions, an equal number of minority Members of the Committee designated by the Ranking Minority Member shall be permitted to question the same witness for the same period of time. Committee staff may be permitted to question a witness for equal specified periods either with the concurrence of the Chairman and Ranking Minority Member or by motion. However, in no case may questioning by Committee staff proceed before each Member of the Committee who wishes to speak under the 5-minute rule has had one opportunity to do so.

(b) Statements of Witnesses

Each witness who is to appear before the Committee or a subcommittee is required to file with the clerk of the Committee, at least two (2) working days in advance of his or her appearance, sufficient copies, as determined by the Chairman of the Committee or subcommittee, of his or her proposed testimony to provide to Members and staff of the Committee or subcommittee, the news media, and the general public. The witness shall limit his or her oral presentation to a brief summary of his or her testimony. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall, to the extent practicable, include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness, to the extent that such information is relevant to the subject matter of, and the witness' representational capacity at, the hearing.

To the extent practicable, each witness should provide the text of his or her proposed testimony in machine-readable form, along with any attachments and appendix materials.

The Committee or subcommittee shall notify Members at least two working days in advance of a hearing of the availability of testimony submitted by witnesses.

The requirements of this subsection or any part thereof may be waived by the Chairman or Ranking Minority Member of the Committee or subcommittee, or the presiding Member, provided that the witness or the Chairman or Ranking Minority Member has submitted, prior to the witness's appearance, a written explanation as to the reasons testimony has not been made available to the Committee or subcommittee. In the event a witness submits neither his or her testimony at least two working days in advance of his or her appearance nor has a written explanation been submitted as to prior availability, the witness shall be released from testifying unless a majority of the Committee or subcommittee votes to accept his or her testimony.

(c) Oaths

The Chairman, or any Member of the Committee designated by the Chairman, may administer oaths to witnesses before the Committee.

RULE 7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings and markup sessions. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantively alter the record. Any such Member or witness shall return the transcript to the Committee offices within five (5) calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as is practicable.

Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when received by the Committee.

Transcripts of hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

RULE 8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either the body or appendices of any Committee or subcommittee hearing, except matter which has been accepted for inclusion in the record during the hearing or by agreement of the Chairman and Ranking Minority Member of the Committee or subcommittee within five calendar days of the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendices of any hearing to be printed which would be in excess of eight (8) printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer of the probable cost of publishing such material.

RULE 9. PUBLIC AVAILABILITY OF COMMITTEE VOTES

The result of each record vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices. Such result shall include a description of the amendment, motion, order, or other proposition, the name of each Member voting for and against, and the Members present but not voting.

RULE 10. PROXIES

Proxy voting is not permitted in the Committee or in subcommittees.

RULE 11. REPORTS

(a) Reports on bills and resolutions

To the extent practicable, not later than 24 hours before a report is to be filed with the Clerk of the House on a measure that has been ordered reported by the Committee, the Chairman shall make available for inspection by all Members of the Committee a copy of the draft committee report in order to afford Members adequate information and the opportunity to draft and file any supplemental, minority or additional views which they may deem appropriate.

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

(b) Prior approval of certain reports

No Committee, subcommittee, or staff report, study, or other document which purports to express publicly the views, findings, conclusions, or recommendations of the Committee or a subcommittee may be released to the public or filed with the Clerk of the House unless approved by a majority of the Committee or subcommittee, as appropriate. A proposed investigative or oversight report shall be considered as read if it has been available to members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day). In any case in which clause 2(l) of Rule XI and clause 3(a)(1) of Rule XIII of the House of Representatives does not apply, each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

(c) Foreign travel reports

At the same time that the report required by clause 8(b)(3) of Rule X of the House of Representatives, regarding foreign travel reports, is submitted to the Chairman, Members and employees of the committee shall provide a report to the Chairman listing all official meetings, interviews, inspection tours and other official functions in which the individual participated, by country and date. Under extraordinary circumstances, the Chairman may waive the listing in such report of an official meeting, interview, inspection tour, or other official function. The report shall be maintained in the full committee offices and shall be available for public inspection during normal business hours.

RULE 12. REPORTING BILLS AND RESOLUTIONS

Except in unusual circumstances, bills and resolutions will not be considered by the Committee unless and until the appropriate subcommittee has recommended the bill or resolution for Committee action, and will not be taken to the House of Representatives for action unless and until the Committee has ordered reported such bill or resolution, a quorum being present.

Except in unusual circumstances, a bill or resolution originating in the House of Representatives that contains exclusively findings and policy declarations or expressions of the sense of the House of Representatives or the sense of the Congress shall not be considered by the Committee or a subcommittee unless such bill or resolution has at least 25 House co-sponsors, at least ten of whom are members of the Committee.

For purposes of this Rule, unusual circumstances will be determined by the Chairman, after consultation with the Ranking Minority Member and such other Members of the Committee as the Chairman deems appropriate.

RULE 13. STAFF SERVICES

(a) The Committee staff shall be selected and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members. The staff shall include persons with training and experience in international relations, making available to the Committee individuals with knowledge of major countries, areas, and U.S. overseas programs and operations.

(b) Subject to clause 9 of Rule X of the House of Representatives, the staff of the Committee, except as provided in paragraph (c), shall be appointed, and may be removed, by the Chairman with the approval of the majority of the majority Members of the

Committee. Their remuneration shall be fixed by the Chairman, and they shall work under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(c) Subject to clause 9 of Rule X of the House of Representatives, the staff of the Committee assigned to the minority shall be appointed, their remuneration determined, and may be removed, by the Ranking Minority Member with the approval of the majority of the minority party Members of the Committee. No minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall work under the general supervision and direction of the Ranking Minority Member with the approval or consultation of the minority Members of the committee.

(d) The Chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee. The Chairman shall ensure that the minority party is fairly treated in the appointment of such staff.

RULE 14. NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) Full committee

The full Committee will be responsible for oversight and legislation relating to: foreign assistance (including development assistance, security assistance, and Public Law 480 programs abroad) or relating to the Peace Corps; national security developments affecting foreign policy; strategic planning and agreements; war powers, treaties, executive agreements, and the deployment and use of United States Armed Forces; peacekeeping, peace enforcement, and enforcement of United Nations or other international sanctions; arms control and disarmament issues; the Agency for International Development; activities and policies of the State, Commerce and Defense Departments and other agencies related to the Arms Export Control Act, the Export Administration Act, and the Foreign Assistance Act including export and licensing policy for munitions items and technology and dual-use equipment and technology, and other matters related to international economic policy and trade; international law; promotion of democracy; international law enforcement issues, including terrorism and narcotics control programs and activities; Department of State, Broadcasting Board of Governors, Overseas Private Investment Corporation, Trade and Development Agency, and related agency operations; the diplomatic service; international education and cultural affairs; embassy security and foreign buildings; the United Nations, its affiliated agencies, and other international organizations; parliamentary conferences and exchanges; protection of American citizens abroad; international broadcasting; international communication and information policy; the American Red Cross; international population planning and child survival activities; and all other matters not specifically assigned to a subcommittee. The full Committee may conduct oversight with respect to any matter within the jurisdiction of the Committee as defined in the Rules of the House of Representatives.

(b) Subcommittees

There shall be six (6) standing subcommittees. The names and jurisdiction of those subcommittees shall be as follows:

1. Functional Subcommittee

There shall be one subcommittee with functional jurisdiction:

Subcommittee on International Terrorism, Nonproliferation and Human Rights.—Oversight and legislative responsibilities over the United States' efforts to manage and coordinate international programs to combat terrorism as coordinated by the Department of State and other agencies, including diplomatic, economic, and military assistance programs in areas designed to prevent terrorism, and efforts intended to identify, arrest, and bring international terrorists to justice. Oversight of, and (to the degree applicable to matters outside the Foreign Assistance Act, the Arms Export Control Act, the Export Administration Act, sanctions laws pertaining to individual countries and the provision of foreign assistance) legislation pertaining to: nonproliferation including matters relating to arms transfer policy; export control policy including the transfer of dual use equipment and technology; matters involving nuclear, chemical, biological and other weapons of mass destruction; legislation aimed at the promotion of sanctions and other nonproliferation matters generally. Oversight of, and (to the degree applicable to matters outside the Foreign Assistance Act, the Arms Export Control Act, the Export Administration Act, and the provision of foreign assistance) legislation pertaining to, implementation of the Universal Declaration of Human Rights, and other matters relating to internationally-recognized human rights, including sanctions legislation aimed at the promotion of human rights and democracy generally.

2. Regional Subcommittees

There shall be five subcommittees with regional jurisdiction: the Subcommittee on Europe; the Subcommittee on the Middle East and Central Asia; the Subcommittee on the Western Hemisphere; the Subcommittee on Africa; and the Subcommittee on Asia and the Pacific.

The regional subcommittees shall have jurisdiction over the following within their respective regions:

(1) Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed to such relations.

(2) Legislation with respect to disaster assistance outside the Foreign Assistance Act, boundary issues, and international claims.

(3) Legislation with respect to region- or country-specific loans or other financial relations outside the Foreign Assistance Act.

(4) Resolutions of disapproval under section 36(b) of the Arms Export Control Act, with respect to foreign military sales.

(5) Legislation and oversight regarding human rights practices in particular countries.

(6) Oversight of regional lending institutions.

(7) Oversight of matters related to the regional activities of the United Nations, of its affiliated agencies, and of other multilateral institutions.

(8) Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.

(9) Base rights and other facilities access agreements and regional security pacts.

(10) Oversight of matters relating to parliamentary conferences and exchanges involving the region.

(11) Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.

(12) Oversight of all foreign assistance activities affecting the region.

(13) Such other matters as the Chairman of the full Committee may determine.

RULE 15. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the Chairman, other subcommittee chairmen, and other appropriate Members, with a view towards minimizing scheduling conflicts. It shall be the practice of the Committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full Committee.

In order to ensure orderly administration and fair assignment of hearing and meeting rooms, the subject, time, and location of hearings and meetings shall be arranged in advance with the Chairman through the Chief of Staff of the Committee.

The Chairman of the full Committee shall designate a Member of the majority party on each subcommittee as its vice chairman.

The Chairman and the Ranking Minority Member may attend the meetings and participate in the activities of all subcommittees of which they are not members, except that they may not vote or be counted for a quorum in such subcommittees.

RULE 16. REFERRAL OF BILLS BY CHAIRMAN

In accordance with Rule 14 of the Committee and to the extent practicable, all legislation and other matters referred to the Committee shall be referred by the Chairman to a subcommittee of primary jurisdiction within two (2) weeks. In accordance with Rule 14 of the Committee, legislation may also be concurrently referred to additional subcommittees for consideration. Unless otherwise directed by the Chairman, such subcommittees shall act on or be discharged from consideration of legislation that has been approved by the subcommittee of primary jurisdiction within two (2) weeks of such action. In referring any legislation to a subcommittee, the Chairman may specify a date by which the subcommittee shall report thereon to the full Committee.

Subcommittees with regional jurisdiction shall have primary jurisdiction over legislation regarding human rights practices in particular countries within the region. The Subcommittee on International Terrorism, Nonproliferation and Human Rights shall have additional jurisdiction over such legislation.

The Chairman may designate a subcommittee chairman or other Member to take responsibility as manager of a bill or resolution during its consideration in the House of Representatives.

RULE 17. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority to minority party Members for each subcommittee. Party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for the full Committee. The Chairman and the Ranking Minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

RULE 18. SUBCOMMITTEE FUNDING AND RECORDS

(a) Each subcommittee shall have adequate funds to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with clause 2(e)(1) of Rule XI of the House of Representatives, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be promptly made available to the full Committee for inspection by the public in accordance with Rule 9 of the Committee.

(c) All subcommittee hearings, records, data, charts, and files shall be kept distinct

from the congressional office records of the Member serving as chairman of the subcommittee. Subcommittee records shall be coordinated with the records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

RULE 19. MEETINGS OF SUBCOMMITTEE CHAIRMEN

The Chairman shall call a meeting of the subcommittee chairmen on a regular basis not less frequently than once a month. Such a meeting need not be held if there is no business to conduct. It shall be the practice at such meetings to review the current agenda and activities of each of the subcommittees.

RULE 20. ACCESS TO CLASSIFIED INFORMATION

Authorized persons.—In accordance with the stipulations of the Rules of the House of Representatives, all Members of the House who have executed the oath required by clause 13 of Rule XXIII of the House of Representatives shall be authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff shall be considered authorized to have access to classified information within the possession of the Committee when they have the proper security clearances, when they have executed the oath required by clause 13 of Rule XXIII of the House of Representatives, and when they have a demonstrable need to know. The decision on whether a given staff member has a need to know will be made on the following basis:

(a) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the full Committee minority staff, by the Ranking Minority Member of the committee, acting through the Minority Chief of Staff;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) In the case of the subcommittee minority staff, by the Ranking Minority Member of the subcommittee.

No other individuals shall be considered authorized persons, unless so designated by the Chairman.

Designated persons.—Each Committee Member is permitted to designate one member of his or her staff as having the right of access to information classified confidential. Such designated persons must have the proper security clearance, have executed the oath required by clause 13 of Rule XXIII of the House of Representatives, and have a need to know as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified secret which has been furnished to the Committee pursuant to section 36 of the Arms Export Control Act, as amended. Upon the written request of a Committee Member and with the approval of the Chairman in specific instances, a designated person may be permitted access to other classified materials. Designation of a staff person shall be by letter from the Committee Member to the Chairman.

Location.—Classified information will be stored in secure safes in the Committee rooms. All materials classified top secret must be stored in a Secure Compartmentalized Information Facility (SCIF).

Handling.—Materials classified confidential or secret may be taken from Committee offices to other Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its Subcommittees for which such information is deemed to be essential. Removal of such information from the Committee offices shall be only with the permission of the Chairman under procedures designed to ensure the safe handling and storage of such information at all times. Except as provided in this paragraph, top secret materials may not be taken from the SCIF for any purpose, except that such materials may be taken to hearings and other meetings that are being conducted at the top secret level when necessary. Top secret materials may otherwise be used under conditions approved by the Chairman after consultation with the Ranking Minority Member.

Notice.—Appropriate notice of the receipt of classified documents received by the Committee from the executive branch will be sent promptly to Committee Members through the Survey of Activities or by other means.

Access.—Except as provided for above, access to materials classified top secret or otherwise restricted held by the Committee will be in the SCIF. The following procedures will be observed:

(a) Authorized or designated persons will be admitted to the SCIF after inquiring of the Chief of Staff or an assigned staff member. Access to the SCIF will be afforded during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information they wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) The assigned staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff member will also assure that the classified materials are returned to the proper location.

(d) The Classified Materials log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

Divulgence.—Classified information provided to the Committee by the executive branch shall be handled in accordance with the procedures that apply within the executive branch for the protection of such information. Any classified information to which access has been gained through the Committee may not be divulged to any unauthorized person. Classified material shall not be photocopied or otherwise reproduced without the authorization of the Chief of Staff. In no event shall classified information be discussed over a non-secure telephone. Apparent violations of this rule should be reported as promptly as possible to the Chairman for appropriate action.

Other regulations.—The Chairman, after consultation with the Ranking Minority Member, may establish such additional regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the Committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the full Committee.

RULE 21. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

All Committee and subcommittee meetings or hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage in accordance with the provisions of clause 3 of House rule XI.

The Chairman or subcommittee chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room, but shall not limit the number of television or still cameras to fewer than two (2) representatives from each medium.

Such coverage shall be in accordance with the following requirements contained in Section 116(b) of the Legislative Reorganization Act of 1970, and clause 4 of Rule XI of the Rules of the House of Representatives:

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpoena by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) The allocation among cameras permitted by the Chairman or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and Member of the Committee or its subcommittees or the visibility of that witness and that Member to each other.

(e) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee or subcommittee is in session.

(g) Floodlights, spotlights, strobe lights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the current state-of-the-art level of television coverage.

(h) In the allocation of the number of still photographers permitted by the Chairman or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos, United Press International News pictures, and Reuters. If requests are made by more of the media than will be permitted by the Chairman or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 22. SUBPOENA POWERS

A subpoena may be authorized and issued by the Chairman, in accordance with clause 2(m) of Rule XI of the House of Representatives, in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Committee, following consultation with the Ranking Minority Member.

In addition, a subpoena may be authorized and issued by the Committee or its subcommittees in accordance with clause 2(m) of Rule XI of the House of the Representatives, in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority of the committee or subcommittee being present.

Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

RULE 23. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the full extent practicable the principal proponents of the major provisions of the bill as it passed the House), who have actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference. With regard to the appointment of minority Members, the Chairman shall consult with the Ranking Minority Member.

RULE 24. GENERAL OVERSIGHT

Not later than February 15th of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

RULE 25. OTHER PROCEDURES AND REGULATIONS

The Chairman, in consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the full Committee.

HONORING SUSAN B. ANTHONY

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

Mrs. MUSGRAVE. Mr. Speaker, today I rise to recognize the debt that all of us owe to the pioneering work of Susan B. Anthony. Susan B. Anthony is celebrated for her indispensable role in securing for women the right to vote and setting our Nation on the course towards recognizing the full equality and the dignity of women.

For Susan B. Anthony and her colleagues in the 19th century, promoting women's rights and promoting the dignity of women also meant opposing the evil of abortion. Out of respect for women recovering from abortion, I will refrain from using the term that Susan B. Anthony used to describe this procedure.

Susan B. Anthony was very insightful. She was one of our pioneering feminists, and she was also a strong pro-life advocate. It is instructive, Mr. Speaker, that Susan B. Anthony's opposition to abortion arose from her fight for equal rights for women, and that she saw no reason to separate the two.

Mr. Speaker, as we commemorate the 183rd anniversary of Susan B. Anthony's birthday and her human rights legacy, let us not separate the fight for equal rights for women from the fight for rights for all women, born and unborn.

Mr. Speaker, abortion is one of the greatest human rights issues that face us in our time. In honoring Susan B. Anthony, let us agree that being pro-life is inseparable from being pro-woman.

IN SUPPORT OF PRESIDENT BUSH AND WORLD LEADERS IN CONFRONTING SADDAM HUSSEIN

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

Mr. PENCE. Mr. Speaker, we will confront many issues in the 108th Congress. They will have to do with the economy; our own budget; a debate over cloning, which will come to the House floor this week and to this very Chamber moments from now; reforming Medicare; but nothing can be compared to the issues of war and peace.

In the midst of an incessant barrage of media alerts, Mr. Speaker, and new resolutions being debated before the United Nations, as a member of the Committee on International Relations I rise tonight to stand with the President of the United States and the strong and unwavering leadership in confronting tyranny which he and the Prime Minister of England and the leaders of some 43 other nations have consistently and courageously provided to the world.

Mr. Speaker, I am not a combat veteran; it was not part of my generation. But my father was, having seen conflict and bloodshed in the Korean War. I do not welcome war. I do not hope for it. As near as I can tell, from my late father and veterans with whom I have close enough relationships to hear the truth, war is a wicked and a violent enterprise that can consume our children in a conflagration, unthinkable in ordinary life.

But nevertheless it has come from time to time upon the free nations of the world, and it seems most especially on the United States of America, to be willing to employ the arsenal of democracy to confront force with force as a last resort. We may well be come upon such a time again, Mr. Speaker.

We are hearing a great deal in the national media about what the facts are or are not, what has been proven and what has not been proven. Mr. Speaker, I felt compelled tonight simply to rise and talk about the facts for what they are, for what we as policymakers in the 107th Congress knew them to be, and for what every member of the Security Council of the United Nations knows them to be today.

Mr. Speaker, it is said that facts are stubborn things. I offer tonight a few stubborn things.

For instance, this Congress on this floor and our colleagues in the Senate overwhelmingly gave this President the authority to use America's military power to disarm Iraq. The national legislature of the United States spoke in overwhelming fashion that the need was real and urgent and the President should be empowered under our constitutional authority.

The United States Security Council adopted Resolution 1441. We hear a great deal about new resolutions. I applaud the President's effort to try and exhaust all diplomatic means this week.

But let us be clear what 1441 said. Mr. Speaker, number one, it said that Iraq is guilty. No objective observer doubts that Iraq has violated 17 U.N. resolutions.

Number two, it said that Iraq could remedy its guilt through disarmament and disclosure.

Number 3, if it refused to remedy, it would be a material breach, and serious consequences should flow.

Mr. Speaker, Baghdad is guilty. Baghdad refuses to remedy. Serious consequences are in order. I stand with the President of the United States. I pray with millions of Americans as we will ask, perhaps within the week, our finest to go forward on behalf of liberty again.

Let us focus on the facts and on the true challenges before us.

APPOINTMENT OF MEMBERS TO CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION AWARDS BOARD

The SPEAKER pro tempore. Pursuant to section 815(a)(1) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 815) and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Congressional Recognition for Excellence in Arts Education Awards Board:

Mr. MCKEON of California.

Mrs. BIGGERT of Illinois.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore. Pursuant to 20 United States Code 4303, and

the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of Gallaudet University:

Mr. LAHOOD of Illinois.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The SPEAKER pro tempore. Pursuant to 20 United States Code 4412, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development:

Mr. YOUNG of Alaska.

APPOINTMENT OF MEMBERS TO BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. Pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107–117, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. KOLBE of Arizona.
Ms. PRYCE of Ohio.

APPOINTMENT OF MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Pursuant to 2 United States Code 88(b)(3), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the House of Representatives Page Board:

Mr. SHIMKUS of Illinois.
Mrs. WILSON of New Mexico.

□ 1945

APPOINTMENT OF MEMBERS TO BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER pro tempore (Mr. BEAUPREZ). Pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Regents of the Smithsonian Institution:

Mr. REGULA of Ohio.
Mr. SAM JOHNSON of Texas.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 9355(a), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Air Force Academy:

Mr. YOUNG of Florida.
Mr. HEFLEY of Colorado.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO THE UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to 14 U.S.C. 194(a), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. SIMMONS of Connecticut.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO THE UNITED STATES MERCHANT MARINE ACADEMY

The SPEAKER pro tempore. Pursuant to 46 U.S.C. 1295b(h), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Merchant Marine Academy:

Mr. KING of New York.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 4355(a), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Military Academy:

Mr. TAYLOR of North Carolina.
Mrs. KELLY of New York.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 6968(a), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Naval Academy:

Mr. CUNNINGHAM of California.
Mr. GILCHREST of Maryland.

APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 6913, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. LEACH of Iowa, chairman.
Mr. BEREUTER of Nebraska.
Mr. DREIER of California.
Mr. WOLF of Virginia.
Mr. PITTS of Pennsylvania.

APPOINTMENT OF MEMBER TO BENJAMIN FRANKLIN TERCENTENARY COMMISSION

The SPEAKER pro tempore. Pursuant to section 5(a)(2) of the Benjamin Franklin Tercentenary Commission Act (36 U.S.C. 101 Note), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Benjamin Franklin Tercentenary Commission:

Mr. CASTLE of Delaware.

APPOINTMENT OF MEMBER TO THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER pro tempore. Pursuant to 44 U.S.C. 2501, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the National Historical Publications and Record Commission:

Mr. COLE of Oklahoma.

APPOINTMENT OF MEMBER TO ABRAHAM LINCOLN BICENTENNIAL COMMISSION

The SPEAKER pro tempore. Pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 Note), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Abraham Lincoln Bicentennial Commission:

Mr. LAHOOD of Illinois.

APPOINTMENT OF MEMBERS TO THE JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 U.S.C. 1024(a), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mr. RYAN of Wisconsin.
Ms. DUNN of Washington.
Mr. ENGLISH of Pennsylvania.
Mr. PUTNAM of Florida.
Mr. PAUL of Texas.

APPOINTMENT OF MEMBERS TO NATIONAL COUNCIL ON THE ARTS

The SPEAKER pro tempore. Pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20

U.S.C. 955(b) Note), and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the National Council on the Arts:

Mr. BALLENGER of North Carolina.

Mr. MCKEON of California.

APPOINTMENT OF MEMBERS TO THE UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Pursuant to 36 U.S.C. 2301, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the United States Holocaust Memorial Council:

Mr. LATOURETTE of Ohio.

Mr. CANNON of Utah.

Mr. CANTOR of Virginia.

APPOINTMENT OF MEMBERS TO PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore. Pursuant to Executive Order 12131, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the President's Export Council:

Mr. ENGLISH of Pennsylvania.

Mr. PICKERING of Mississippi.

Mr. HAYES of North Carolina.

PUBLICATION OF THE RULES OF THE COMMITTEE ON THE JUDICIARY 108TH CONGRESS

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

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 2(a)(2) of Rule XI of the Rules of the House of Representatives, I hereby submit the rules of the Committee on the Judiciary for the 108th Congress for publication in the CONGRESSIONAL RECORD. These rules were adopted by the Committee on February 12, 2003, in a meeting that was open to the public.

COMMITTEE ON THE JUDICIARY RULES OF PROCEDURE, ADOPTED FEBRUARY 12, 2003

RULE I.

The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its Subcommittees with the following specific additions thereto.

RULE H. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the House is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays and legal holidays when the House is not in session) before each scheduled Committee or Subcommittee meeting, each Member of the Committee or Subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or Subcommittee.

(d) The Chairman, with such notice to the ranking Minority Member as is practicable, may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(e) Committee and Subcommittee meetings for the transaction of business, i.e. meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.

(g) For purposes of taking any action at a meeting of the full Committee or any Subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or Subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or Subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(h)(1) Subject to subparagraph (2), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time.

(2) In exercising postponement authority under subparagraph (1), the Chairman shall take all reasonable steps necessary to notify Members on the resumption of proceedings on any postponed record vote.

(3) 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.

(i) Transcripts of markups shall be recorded and may be published in the same manner as hearings before the Committee and shall be included as part of the legislative report unless waived by the Chairman.

RULE III. HEARINGS

(a) The Committee Chairman or any Subcommittee chairman shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing. If the Chairman of the Committee, or Subcommittee, with the concurrence of the ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee or Subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or Subcommittee chairman shall make the announcement at the earliest possible date.

(b) Committee and Subcommittee hearings shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(c) For purposes of taking testimony and receiving evidence before the Committee or any Subcommittee, a quorum shall be constituted by the presence of two Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

(e) The transcripts of those hearings conducted by the Committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at the place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in the transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional Committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript.

RULE IV. BROADCASTING

Whenever a hearing or meeting conducted by the Committee or any Subcommittee is open to the public, these proceedings shall be open to coverage by television, radio and still photography except when the hearing or meeting is closed pursuant to the Committee Rules of Procedure.

RULE V. STANDING SUBCOMMITTEES

(a) The full Committee shall have jurisdiction over the following subject matters: antitrust law, tort liability, including medical malpractice and product liability, legal reform generally, and such other matters as determined by the Chairman.

(b) There shall be five standing Subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

(1) Subcommittee on Courts, the Internet, and Intellectual Property: copyright, patent and trademark law, information technology, administration of U.S. courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) Subcommittee on the Constitution: constitutional amendments, constitutional rights, federal civil rights laws, ethics in government, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) Subcommittee on Commercial and Administrative Law: bankruptcy and commercial law, bankruptcy judgeships, administrative law, independent counsel, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.

(4) Subcommittee on Crime, Terrorism, and Homeland Security: Federal Criminal Code, drug enforcement, sentencing, parole and pardons, terrorism, internal and homeland security, Federal Rules of Criminal Procedure, prisons, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) Subcommittee on Immigration, Border Security, and Claims: immigration and naturalization, border security, admission of refugees, treaties, conventions and international agreements, claims against the

United States, federal charters of incorporation, private immigration and claims bills, other appropriate matters as referred by the Chairman, and relevant oversight.

(c) The Chairman of the Committee and ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each Subcommittee to which such Chairman or ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such Subcommittee.

RULE VI. POWERS AND DUTIES OF SUBCOMMITTEES

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

RULE VII. NON-LEGISLATIVE REPORTS

No report of the Committee or Subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or Subcommittee issuing the report shall have been apprised of such report and given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays and legal holidays when the House is not in session).

RULE VIII. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use according to the rules of the House. The Chairman shall notify the ranking Minority Member of any decision to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

HUMAN CLONING PROHIBITION ACT OF 2003

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

Mr. WELDON of Florida. Mr. Speaker, I rise tonight to address the House regarding the very important issue of human cloning.

The question before our Nation is are we going to allow human cloning in the United States of America or are we going to ban human cloning?

In the 107th Congress, I introduced legislation, the Human Cloning Prohibition Act of 2001. This legislation ultimately was reviewed and passed approvingly after hearings by the Committee on the Judiciary and was brought to the floor of the House and received a favorable vote in the House of Representatives passing by a margin of 265 for, 162 against.

Of note in that vote there were some 63 Democrats who voted in support of this legislation to ban all forms of human cloning. And I would point out that many of the Democrats who voted in support of banning human cloning were pro-choice.

There are many people who have tried to define this debate about human cloning as liberal/conservative. They have tried to define it as a pro-life/pro-abortion rights kind of debate; but in reality the debate on human cloning transcends some of those traditional divisions that separate the political parties and factions within the House of Representatives and within our Nation.

Unfortunately, the legislation to ban all forms of human cloning that passed overwhelmingly in the House of Representatives 2 years ago, almost 2 years ago now, it was never taken up by the Senate. The Senate never held a vote on the issue. Therefore, the issue was essentially left open; and, indeed, many Americans are shocked and surprised to learn today that there is no law on the books in the United States of America to ban human cloning. Indeed, many foreign countries have already moved, they have already acted to ban human cloning. Several European countries have banned it outright, like Germany, for example. Norway has banned it completely. The European Parliament has called for a complete ban on human cloning. The French Senate very recently voted to ban all forms of human cloning. So clearly there is a tide sweeping the globe that says, no, we are not going to move away from human pro-creation to baby manufacturing, which is really what this debate is all about in its essence.

Due to the failure of the Senate, or the other body, to act on this issue, I reintroduced my legislation along with my colleague from Michigan (Mr. STUPAK). Our bill is H.R. 534, the Human Cloning Prohibition Act of 2003. And I would like to talk a little bit about what the legislation is and what it does, and I have a few visuals to help with this debate.

First of all, I would like to start out with what is human cloning. In normal sexual reproduction, the sperm and the egg unite to form a single-cell embryo, and that single-cell embryo rapidly begins a process of dividing to form this multicell embryo. And, of course, from there it develops further into the fetal stage of development forming a baby and ultimately a human being like you and I.

In human cloning we have a procedure called somatic cell nuclear transfer, and what happens here is you take a human egg and you either deactivate the nucleus in the egg or you remove it, and there are two different approaches to that. And you essentially end up with an egg that has no nuclear material in it. In a normal human egg, the normal cells in our bodies have 46 chromosomes; but in the egg there are 23 chromosomes and in the sperm there are 23, and they come together to form a new unique human being with 46 chromosomes.

So in the process of cloning, you either deactivate this nucleus or you eject it out. So you end up with an enucleated egg. And then you take a cell from somebody's body, and in this depiction this has the appearance of a skin cell and you extract the nucleus out of that cell, and you place it inside the egg. And this is why it is called nuclear transfer. It is called somatic cell nuclear transfer because the cells in our bodies are called somatic cells or body cells. Somatic means body. And then what happens next is typically they zap this egg with a little bit of electricity, and lo and behold it begins to divide and form an embryo.

This, of course, is the first mammal that was ever cloned. The first species that was cloned, I believe, it occurred in the 1950s. It was a carrot. But this creation of Dolly the sheep was the first example of a mammal being cloned. Prior to cloning Dolly, there had been some other vertebrates that were cloned, but Dolly was the first mammal. And, of course, we as humans are mammals. And the reason this created so much news is because Dolly a sheep, a mammal very similar to us, and what they did there was they took an udder, cell which is essentially a mammary duct cell, and they took the nucleus out of it from the donor sheep, and then they took another sheep and they took an egg from that sheep and removed the nucleus. And so they did the nuclear transfer technology, and so they had the DNA of this sheep in the egg from this sheep. They zapped it with electricity. They got it to grow in culture, and then they transplanted it into another female sheep. And this is, of course, the surrogate mother and Dolly was created.

And here is Dolly depicted here. This sheep is a genetic duplicate of this sheep, the one that you took the nucleus out of. This sheep can be construed as the twin or this one can be construed as the twin of this sheep.

Now, it is worth noting that Dolly was born on July 5, 1996. Almost immediately Dolly began to show signs of premature aging. Indeed, the researchers who have studied all the cloned mammals that have been cloned so far, pigs, goats, mice, they all show genetic defects in all of them.

Dolly manifested early arthritis; and, of course, she had to be euthanized, or put to sleep, recently because of the development of further medical conditions. She essentially experienced half the normal life expectancy of a normal sheep. And this is one of the principle issues why many people feel that to do cloning in humans, as some people are proposing, is morally and ethically reprehensible.

It took 237 attempts to create Dolly with many miscarriages, many sheep being born with very, very severe birth defects. So if we try to do this with humans, the question, of course, becomes how many humans will be born, how many babies will be born with birth defects? How will we take care of them? Who will be responsible for them?

□ 2000

One of the most disturbing things about all this is if we were able to overcome those immediate birth-related problems, what would the life of a person who was cloned be like? Would they manifest premature aging? Would they ultimately succumb to diseases at an early age? This is clearly experimentation of the absolute worst and most reprehensible kind, and there is general agreement that we should outlaw cloning specifically of this type, referred to as reproductive cloning.

What this House will engage in a tremendous amount of debate on over the next few days is the issue of whether or not we should allow something called therapeutic cloning or the creation of cloned embryos in the lab. I anticipate that there will be a substitute for my legislation being offered by the gentleman from Pennsylvania (Mr. GREENWOOD). His legislation contends that it is best to simply outlaw the creation of a human being but to allow the unfettered creation of human embryos in the lab to be exploited for research purposes because of the supposed great potential of these to lead to cures to many diseases.

I know there are a lot of people who have some questions about this issue, and I would be very happy to yield to the gentleman from Arizona (Mr. RENZI), a distinguished freshman from the Flagstaff area. I understand he had some questions for me about this issue.

Mr. RENZI. Mr. Speaker, I would like to engage the gentleman from Florida in a colloquy if he would not mind, please.

Mr. WELDON of Florida. I would be happy to do that.

Mr. RENZI. Mr. Speaker, I have seen and heard a lot of rhetoric, and recently we had a letter that was sent around by one of our colleagues that favors the research, if we can call it that, on behalf of the Coalition for the Advancement of Medical Research. And I have got some serious questions and doubts as to the truth.

One of our colleagues says that their position is reasonable, and his letter goes on to state that somatic cell nuclear transfer is not the science fiction you see in movies but, rather, a reasonable and appropriate way to alleviate the horror faced by patients suffering from deadly and painful disease. Pain and disease is something that all Americans are passionate about, and I would ask my colleague, then, what cures, in light of this great new technology, have occurred using somatic cell nuclear transfer, if he does not mind.

Mr. WELDON of Florida. Mr. Speaker, I would be happy to respond to his question. This is a very, very important issue, and it gets essentially to the crux of the debate we are going to have here on the floor of this body on Thursday when H.R. 534 comes up for discussion, debate, and consideration and vote, and I want to just point out one very very important thing about this.

They are trying to call embryo cloning somatic cell nuclear transfer, and the reason they are trying to do that, scientifically that is what it is, but the overwhelming majority of Americans are opposed to all forms of human cloning. It is something like 65, 70, 80 percent of the American people are against all forms of human cloning, and so they are trying to put a pretty face on it so they are calling it somatic cell nuclear transfer.

The important point I want to raise I think was stated very nicely by the President's National Bioethics Advisory Commission back in 1997, and they said the commission began its discussion fully recognizing that any efforts in humans to transfer a somatic cell nucleus into an enucleated egg involves the creation of an embryo with the apparent potential to be planted in utero and developed to term.

So what they are saying here is this is cloning. So they may want to call it somatic cell nuclear transfer but it is definitely cloning.

They go on to say this is not science fiction you see in movies, but rather a reasonable and appropriate way to alleviate the horrors faced by patients suffering from deadly painful diseases. This kind of language in my opinion is reprehensible. There is no basis in science to make a claim like this, and I have been saying this over and over again. I would be very, very happy to debate these people who go around making these claims.

Therapeutic cloning has never been done. It is going to be debated here as though it is a scientific fact. It is a scientific fiction. It has never been demonstrated in humans. What is more, it has never even been demonstrated in an animal model. We purchase from research labs these animals that are genetically programmed to develop diabetes. We cannot take this technology and use it to even cure an animal. The advocates for embryo cloning do not have even one, one, example of where in an animal model they can cure disease; and for them to go so far as to say this has the potential to alleviate the horrors faced by patients suffering from deadly diseases, I think it is a horror that they would make such a grossly exaggerated and false statement, because it raises the false hopes of millions of Americans who suffer from these diseases. There is no scientific evidence that this has the potential to be effective at this time.

I apologize, this is a very, very long answer to the gentleman's question. But my legislation to ban cloning does not prohibit animal cloning, and it does not prohibit animal embryo cloning, and so the advocates for this will have unfettered ability to demonstrate that this works in animal models, and if they can demonstrate that it works in animal models, they can come back to the Congress and say we really feel very strongly that you need to allow this to move forward in human models, the Congress has the ability to reverse the law. But that is a grossly exaggerated claim.

I understand the gentleman wanted to ask me some more questions in a colloquy.

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

Mr. WELDON of Florida. I yield to the gentleman from Arizona.

Mr. RENZI. Mr. Speaker, I take it then from the gentleman's answer that we have no proof that any cures to human beings, never mind even animals, exist; and by the chart the gentleman showed, it actually accelerates the aging of an animal and actually leads to faster death, then. So rather than cure life, it leads to a faster death.

Could I respond also to a portion of the gentleman's statement as it relates to some of the break-throughs that have been claimed, and could I ask that the gentleman look at a piece from a letter that was also recently sent around, and I quote: Cloning is widely used. It is widely used. It is a vital medical tool that has allowed scientists and researchers to develop powerful new drugs, produce insulin, useful bacteria in the lab, track the origins of biological weapons, catch criminals, and free innocent people. It even produces new plants and livestock to help feed and nourish the poor of our world.

In addition to wanting to alleviate pain and suffering, I consider myself a compassionate American who wants to help save our world, and it sounds like cloning is going to do just that. The gentleman's bill, of course, would not ban this type of cloning that was going to save our world, would it?

Mr. WELDON of Florida. This is a very confusing quote because it really mixes two issues. It starts out saying cloning is a widely used, vital medical tool that has allowed scientists and researchers to develop powerful new drugs. What they are talking about is we have been cloning tissues in the labs for years, we have been cloning animals in the labs for years, we have been cloning DNA in the lab, and some of these cloning technologies are finding their way into the research and development arenas that are used for development of new drugs, produce insulin, useful bacteria in the lab. And so those statements are true.

But my bill does not ban those things. This group, CAMR, or the Coalition for the Advancement of Medical Research, they are against my bill; but in that response they fail to point out that my bill does not ban all of that animal cloning and all of that DNA cloning, all that stuff that is going on.

What it specifically only bans is human cloning, an attempt to create a human embryo in the lab, and they seem to imply in the first sentence of that quote the gentleman just read that it is a vital medical tool. Those applications that would be permissible under my legislation are certainly vital, and they will proceed unfettered,

but human cloning is not a vital medical tool. There is not one research article where human cloning has been used to treat anybody of anything.

Might I also add, the crux of this debate is the whole issue of regenerative medicine and if a person gets sick, the traditional tools used by physicians are surgery and medications to make a person well; and of course there is therapy and there are lots of other modalities to make people well. But an additional tool is this concept of regenerative medicine where we take cells and put cells in a person's body and those cells make a person better, and adults themselves have actually been used in 45 human clinical trials to make people well.

Embryonic stem cells have never been used in a single clinical trial to ever make anybody well. Embryo stem cells have never been used in an animal model to heal an animal. There have been a couple of studies that seem to suggest that embryo stem cells might have some potential at some point in the future, but they do not have a model where we can take an animal with disease and make it well, and that is what they are trying to imply by this response.

Again, it is a very deceptive response, and I apologize for these lengthy responses to the gentleman's inquiries. These issues are just very, very complicated science, and it is very hard to do them justice by just giving 8-second sound-bite responses to the questions.

Mr. RENZI. The letter that the gentleman and I are discussing and the portions of the letter and the quotes that we have gone over together, this letter from the Coalition for the Advancement of Medical Research; has the gentleman seen the quote which addresses the leading scientists and even two prestigious committees on the National Academy of Sciences that have agreed that cloning to reproduce humans should be illegal but that somatic cell nuclear transfer or therapeutic cloning should be permitted?

My question is that it is my understanding that these panels included no bioethics experts and even that they considered the ethical debate, the morality in question, to be something that should be left up for others to debate.

Mr. WELDON of Florida. That is absolutely correct. The National Academy of Sciences panel made that recommendation, but then they acknowledged there were no bioethicists on the panel, and then they went on further to state that others should debate the ethics of this. There were no bioethicists. There were no theologians. There were no elected representatives from the people, no representatives from the community. And they wisely said that others should debate the morality and the ethics of this issue; and frankly, they wisely said that because the path that they are recommending that we allow the creation of human life in the lab for research purposes and then those human embryos are to be destroyed is an entirely new path for us to walk down.

□ 2015

Historically in our Nation we have always stood up for protecting life. The recent historical departure from that, Roe v. Wade, that decision was rendered in the context, at least my understanding of the interpretation of the decision of the court was not that the baby developing inside the woman is not alive and not that it is not human and not that it is a commodity that can just be manipulated and discarded, but that the right of reproductive freedom or privacy of the mother trumped the right to life of the baby, a decision I do not particularly agree with.

But now we are talking about going in a whole new direction. We are talking about creating life expressly for the purpose of exploiting it and destroying it. A parallel would be for a woman to deliberately try to get pregnant so she could have an abortion. Clearly this is a moral and ethical quagmire that I do not think we should walk down as a Nation.

I will just cite for you one example of where this would lead us if we allow therapeutic cloning or embryo cloning. The artificial womb is available to us today. You can take a mammalian embryo and drop it in the artificial womb, and it will pass from the embryonic stage into the fetal stage of development and can survive up to 30 days of development. That will be the next place these researchers will want to go to. Who on Earth would want to extract stem cells from an embryo and try to grow those embryo stem cells into, let us say you want heart tissue. Why would you want to go through the ordeal of in a petri dish trying to grow those cells into heart tissue when you could just much more cheaply and easily place that embryo into an artificial womb and then come back 2 weeks or 3 weeks later and get the tissue you want out of it? That is the slippery slope we are going down. So it is a moral and ethical minefield that I think we as a Nation should not enter into, and we should ban all forms of human cloning.

Mr. RENZI. I wanted to ask, we have got a good colleague within our own party who has addressed also this subject matter. Could I ask if you are aware or do you know if the Greenwood bill would ban human reproductive cloning?

Mr. WELDON of Florida. Actually, I do not know if the gentleman from Pennsylvania (Mr. GREENWOOD) is going to change his language before it comes to the floor, but the language as I last saw it, it is not actually a ban. It is a moratorium. It is a 10-year moratorium on reproductive cloning, taking the cloned embryo and putting it in the uterus of a surrogate mother for the purpose of creating a child. It is a 10-year moratorium. It essentially is saying we do not think this is something we want to allow for the next 10 years, but in 10 years we may want to allow reproductive cloning. So I do not think it is a true ban.

The other point I want to mention, and I have debated my good friend, the gentleman from Pennsylvania, on this issue many times in the past, a reproductive-only ban is very, very difficult to enforce. Indeed, I have a quote from the Justice Department I am going to put up on the easel here in a minute where they state categorically it is going to be very, very hard to enforce. If you allow research cloning to proliferate all over the country, you are going to have dozens of labs producing human embryos for experimental research purposes. It would be very, very easy for an unscrupulous, dishonest physician to do this. I am a physician and I know as a fact that not every physician is an honest person. The medical profession draws its ranks from the human race and there are people who do bad things even within the medical profession.

It will be very easy for an unscrupulous physician to implant one of those human embryos into a woman in the privacy of the doctor-patient relationship, and it would be impossible for our Justice Department to police such a thing and prevent it from happening. Indeed, if a physician did that and a baby were to develop, what could the government do at that point? They certainly would not mandate an abortion on a woman like that. And so I feel very, very strongly that the Feinstein-Hatch-type approach in the other body or the Greenwood approach would actually help usher in reproductive cloning, the very thing that they say they want to prohibit.

Mr. RENZI. I would like to go back to the letter that the Coalition for Medical Research has put out. There is an interesting quote also in the body of that letter that addresses somatic cell nuclear transfer as being, quote, ''a research technique to develop cells that can be used to treat or cure chronic and degenerative diseases and disorders.'' They claim the process has nothing to do with sexual reproduction and that its sole purpose is research to meet unmet medical needs.

The way I read this, sir, it sounds to me like we are not creating human embryos. Where are we? Are we creating human embryos, or are we not creating human embryos?

Mr. WELDON of Florida. Here again what they are trying to do is change the terminology. They have been losing the debate on this issue with the hearts and minds of the American people, so they are now trying to call it somatic cell nuclear transfer rather than embryo cloning or therapeutic cloning. When they called it those things, people understood exactly what it is. But when they say somatic cell nuclear transfer, suddenly people do not know what they are talking about and they may be able to get this thing through.

Clearly as a scientist, as a physician, I can tell you that you are talking about creating human embryos, there is no two ways around it, with the potential to develop into a human being. That is not only my opinion; it is the opinion of the Bioethics Advisory Commission. The same commission has a number of members who feel that therapeutic cloning or embryo cloning should be permissible, but they readily recognize that as soon as you take a somatic cell nucleus and put it in an enucleated egg, it involves the creation of an embryo with the apparent potential to be implanted in a uterus and developed to term. It is the procedure used to create Dolly. So to try to say it is not, I think, is misleading. The facts are the facts.

Mr. RENZI. The fact being, then, that they are creating human life, they are exploiting a human embryo, and that they are using this term ''somatic cell nuclear transfer'' as a new terminology to come back in and try and legalize or try and establish human cloning as being something that should be legal in America.

Could I ask, please, the Coalition for Medical Research that we are discussing talks about moving stem cell research forward and that somatic cell nuclear transfer could bring new hope to nearly 1 million Americans suffering from, and now we move to the type of diseases which really tug at the heart strings of America. They are citing cancer would be cured, Alzheimer's, diabetes, hepatitis, Parkinson's disease. The only thing left off here is AIDS. And so I would ask you, is this not similar to the type of promises that we saw 10 years ago when we were debating fetal tissue research, the idea that that would bring us all the type of breakthroughs that would cure what ails our human population? Are we not seeing the same sort of propaganda? Are we not seeing the same sort of promises where in over 10 years since fetal tissue research, we really have seen very little, if at all, any kind of great scientific breakthroughs?

Mr. WELDON of Florida. The gentleman raises an absolutely important point. That is, the debates that they are bringing up here were the same exact debates 10 years ago on fetal tissue research. One of the amazing aspects of all this is Senator HATCH was one of the people who led the charge against fetal tissue research in the other body 10 years ago, and now today he is leading the charge to allow embryo cloning, which is a great irony for me. As I mentioned to you before, there is no basis in science to make a claim like that. I find it very reprehensible for them to hold out hopes to millions and millions of Americans that this is going to be the cure for their condition. I will simply just point out, if that were the case, if this statement were true, you would go into the research labs at Harvard and Yale and UCLA and all the prestigious medical schools throughout the Nation and I would expect all the research scientists to be working on cloning, but in point of fact they are not. The reason they are not is because this is a bogus, absurd statement. There is no evidence in science that substantiates a claim like this, that you are going to be able to cure all these millions of Americans of all of these diseases.

I will just simply point out a very important point that they fail to mention. If that were the case, where would you get all the eggs to do all this? It took dozens and dozens of eggs to create Dolly. If you come down with one of these diseases they describe here, we cannot necessarily cure you with one egg. We might need a dozen eggs to get one good clone of you that might develop into an embryo. By the way, this is all science fiction, this is not real; but this is what they are claiming. You would literally need billions of eggs. Who is going to donate all these eggs? To get the eggs, to get a woman's egg, you have to give a woman powerful drugs that cause a phenomenon called superovulation, so instead of one egg developing you get a dozen eggs developing. The drugs have side effects. Thirty percent of women who take those drugs develop depression. You have to give them these powerful drugs, and then you have to give them a general anesthetic and do a surgical procedure to harvest the eggs. This is not some simple, minor procedure that you can have done in a medical office in 30 seconds. You are talking about an ordeal for a woman to donate her eggs. And for them to make the absurd notion that you are going to cure 100 million Americans with this, you would literally need 1 billion eggs.

Mind you, they do not have one, one example where they can do one of these things in an animal model. Not one. I have challenged some of the most prestigious scientists in the world with this question. Show me one, one article where you can do this in a human. None. I say show me one article, one research article, a peer-reviewed journal article where you can do this in an animal model. None. They have absolutely none. But they make these bald-faced, absurd assertions that they are going to cure 100 million people with all these conditions. I think it is shameful that they would seriously consider this.

I very much appreciate the opportunity to engage in this colloquy with the gentleman.

Mr. RENZI. I am grateful, sir. I want to congratulate and applaud the gentleman from Florida for his substantive argument tonight based on fact. There is not a lot of emotional rhetoric there. It is truly your research that contains the truth and not their research which contains false hopes and, I believe, propaganda.

I would like to mention that the lobbyists who cloak themselves in the guise of medical research do an injustice and mislead our American public. It is you who play upon our American compassion to help those in pain and relieve those in suffering in order that you may promote an immoral agenda. The morality argument has been made much tonight, but it is you who want to create human life in a petri dish only to genetically engineer it to die 14 days later. This is not medical research. This is you scientists creating defective human American life and that is mutant life. I abhor your objectives in order that you might bring prestige to yourself. I urge my colleagues to reject those scientists who lack the wisdom to recognize human life in favor of garnering international acclaim among their peers for their morbid scientific breakthroughs.

Mr. WELDON of Florida. I thank the gentleman. It has certainly been a pleasure to engage in this colloquy. I would be very happy to recognize the gentlewoman from Colorado and yield to her if she would like to say a few words about this very important issue.

Mrs. MUSGRAVE. I thank the gentleman. I certainly yield to the gentleman in regard to the clinical objections that you have raised and with all of your knowledge of medical issues raised in regard to human cloning. However, I would like to rise to speak to the profound moral issues raised when we consider permitting medical science to create human life for the exclusive purpose of experimentation and destruction. I think that we need to look to human history. It is a truth of history that governments and mankind, if given the opportunity under the law, will trample on human life.

□ 2030

History is strewn with such examples. By legalizing human cloning for any reason, and many of them can sound altruistic even if they are false, we open a Pandora's box which could set our civilization on a similar course. It is morally wrong to create human life, even nascent human life, for the purpose of experimentation and destruction.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman, and those were very well taken points. This is clearly a line in the sand. It is a demarcation point; and if we go across that line, if we say we are going to start creating human lives for the purpose of exploiting them for scientific research and then discarding them, where does that take us next? What comes around the corner? I have been arguing for years that it will usher in reproductive cloning.

Indeed, in testimony that we received in my committee, we had a Dr. Cohen, Brian Cohen, who represented the American Society of Reproductive Medicine; and in his testimony he repeatedly said ''We are opposed to reproductive cloning at this time,'' and he said it twice. Finally I asked him, ''Why did you say 'We are opposed to reproductive cloning at this time'?'' And this fellow represents the Association of Fertility Experts in the United

States, and essentially his response to me was that once all the science is worked out on this where it can be done safely, they want to be able to do it. They want to be able to clone human beings. And this is the brave new world, no longer confined to fiction literature, but it has essentially arrived because the follow-ons to this will be genetic manipulation, genetic enhancements. Eugenetics is what it is called, an attempt to try to eliminate undesirable traits in our culture and our society. So people will begin to not only select the gender of their desired offspring, but they may actually want to manipulate the genetic code of their offspring so they can get a specific height or size or physical appearance or IQ. I would imagine athletic performance will be one of the things that they will go after.

And this is the Pandora's box of issues that we are opening up if we allow human cloning to occur in the United States. Therapeutic cloning, embryo cloning or reproductive cloning, it is the path we are going down. And I just want to underscore the importance of us banning all forms of human cloning, which is what we are able to do in the Human Cloning Prohibition Act of 2003, and I just want to again underscore that there are people who are going to try to put lipstick on the pig. They are going to try to say that this is not cloning; and they are going to call it somatic cell nuclear transfer, or they are going to try to call it nuclear transfer technologies; and we are going to hear this kind of language being used both in this body and the other body. It is cloning. It is creating human embryos through the process of cloning. And people need to remember that no matter what they call it, that is what it is.

I just want to underscore additionally that this is not purely a pro-life issue. Cloning of all types, therapeutic, embryonic, and reproductive cloning, has been made illegal in Germany by the leadership of the Green Party, which is pro-choice. Indeed, in the vote that we had passing my bill in the 107th Congress, I had seven or eight people voting for the legislation who had a 100 percent voting record with the National Abortion Rights Action League.

And so clearly this is not an abortion debate. It is different from that. There are a lot of people who are pro-life like myself who have a very strong moral and ethical objection to cloning on the basis of simply creating human life in the lab to be exploited and destroyed, a so-called utilitarian approach. But there are many people on the left who are strongly opposed to cloning because of their concern about eugenics, because of their concern about the impact this could have on the disability community, and very importantly there are a lot of people who are very concerned about the exploitation of women. If we are going to have in this country dozens of labs creating hundreds of human embryos every year for the purpose of doing research, where are we going to get those eggs from? Who is going to donate their eggs? Who will submit themselves to this kind of research? I will say who I think it will be. It will probably be poor women. It will probably be predominantly women of color.

Indeed, I want to read this quote from Judy Norsigian. She is the co-author of ''Our Bodies, Ourselves for the New Century,'' the Boston Women's Health Collective book, hardly a right wing group. What does she say? ''Because embryo cloning will compromise women's health, turn their eggs and wombs into commodities, compromise their reproductive autonomy, and with virtual certainty lead to the production of experimental human beings, we are convinced that the line must be drawn here.'' And I was very encouraged by this latter part of her quote. She is not only concerned about women being exploited, but she has a concern about the dignity, the human dignity, and the indignity of this to be creating human beings for experimental research purposes and then to be discarded.

If research cloning is allowed to proceed in this country, or therapeutic cloning unfettered, in my opinion what ultimately will happen, because it will be so expensive to get these eggs from women in the United States because they will have to pay women thousands of dollars to undergo the procedure, because of the fairly high incidence of depression in women who take these superovulatory drugs, we may have women requiring hospitalization following the egg donation procedure or maybe even going so far as attempting suicide, what I think they will end up doing is they will end up going to third world countries. They will end up going to Central America, South America, away from the trial attorneys in the United States that can lead to lawsuits, away from the prying eyes of the American press and where they can pay women peanuts in order to get their eggs; and that I think is one of the concerns of people like Judy Norsigian. She knows that ultimately the potential exists for women to be exploited, and that is just shameful that it would happen when there is no evidence that this could even work in animals. Indeed, the evidence, there was just recently an article in the mouse model where they tried to do therapeutic cloning and it did not work.

The other thing I want to just share is this quote from Daniel Bryant, who is the Assistant Attorney General, Office of Legislative Affairs. He says ''enforcing a modified cloning ban would be problematic and pose certain law enforcement challenges that would be lessened with an outright ban on human cloning. Anything short of an outright ban would present other difficulties to law enforcement. And what he is talking about here is if we take the approach advocated by the form of the legislation being promoted by the gentleman from Pennsylvania (Mr. GREENWOOD) in the House and Senators HATCH and FEINSTEIN in the other body, just a reproductive ban, how will we enforce that? It will be impossible to enforce that. We will have all of these embryos in all of these labs. The Justice Department, police officers cannot monitor these labs regularly to make sure the embryos have been discarded rather than implanted in women. There will be no way to know whether or not reproductive cloning has occurred. So I feel very, very strongly that this is the best way for us to go.

I will also point out that the President has indicated that he wants a complete ban on all forms of human cloning, reproductive and so-called therapeutic cloning. So clearly, the time has arrived. It is critical that we as a Nation do the right thing. I believe the House of Representatives will do the right thing and ban human cloning in all of its forms, both embryonic cloning and so-called reproductive cloning, that all attempts at creating human embryos in the lab will be prohibited. This is an enforceable ban and a lasting ban. The advocates who say that we must allow embryo cloning in the lab because of its great potential to lead to cures of all these diseases, I again issue my challenge, show me the evidence.

Traditionally in this country we always have demonstrated that it works in animals before we attempt it in humans. Show us the evidence in the scientific literature that this works in animals. They cannot. They will not be able to. The reason they cannot is because it cannot be done. It has not been done in human models. Clearly this takes us down a very dangerous and precarious path, creating human life for the purpose of exploiting it and then destroying it. A very dangerous road for us to walk as a Nation. So I would encourage all of my colleagues to vote in support of the ban on human cloning that we will be debating in the House of Representatives.

THE PRESIDENT'S BUDGET

The SPEAKER pro tempore (Mr. BEAUPREZ). 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. Mr. Speaker, this evening I wanted to talk about the President's budget, but I also want to point out, using something very specific examples of how the President's rhetoric, if you will, with regard to what he wants to accomplish in this session of Congress, whether it be turn the economy around, create more jobs, reform Medicare, create a prescription drug benefit, the various things that he talked about in his State of the Union Address are not essentially backed up with the budget that he has presented

to Congress and that we first had unveiled here a few weeks ago.

And it is disturbing to me because I think it creates what many have called a credibility gap between what the President promises versus what he delivers. He creates the illusion that he will create new jobs, reverse our Nation's current economic woes, ensure all Americans have access to healthcare, and provide seniors a prescription drug benefit; but then when we look at his budget for the year 2004, for the next fiscal year, we see that essentially what it does is mire the Nation's future in record deficits, undermine the future of the social security and the Medicare system at the time that they should be strengthened in anticipation of the baby boom generation which will at some point in the near future become 65 years of age, and we only have to look at the promises the President made in the State of the Union Address that he gave a year ago to see how ineffective he is at following up on his rhetoric once he leaves the Capitol.

Last year, the President assured the Nation that ''our budget will run a deficit that will be small and short lived.'' But 1 year later, according to President's budget message, annual deficits will run close to $300 billion a year for the next 2 years. Even more troubling under the President's watch, the red ink does not appear to go dry any time in the near future, with deficits reaching over a trillion dollars by 2007.

Just last week during the President's Week recess, there was an article in the New York Times that said that the Federal debt was near a ceiling for a second time in 9 months, and I would just read the first couple paragraphs of that article, which was dated February 20, last Thursday, Mr. Speaker. It says ''With budget deficits climbing rapidly, the Bush administration acknowledged today that the government had reached its legal limit on borrowing and would run short of cash by early April unless Congress once again raised the debt ceiling.

''Because Congress inevitably does raise the ceiling after intense jousting, the announcement will have little, if any, effect on operations. But it highlights the new era of red ink that the government faces even before President Bush's latest proposals for more than $1 trillion in tax cuts over 10 years . . . the White House now projects a deficit of more than $300 billion this year and next, as well as deficits at least for the next decade.''

□ 2045

If you talk about the deficit, Mr. Speaker, if you think about what the President has been saying versus reality, he really has no credibility.

When he took office in 2001, the Federal budget had a surplus of $5.6 billion. Not only has he reversed those fortunes, but on this President's watch the red ink does not appear to go dry anytime in the near future, with deficits reaching $2.1 trillion over the next 10 years. There again, I just use that as one example. There are so many examples of it.

I guess one of the things that is so obvious in this regard is what the President says about the tax cuts. He implemented some tax cuts about a year ago. He now proposes additional tax cuts and is talking about maybe a third set of tax cuts in another 6 months or so.

There was an article in today's New York Times that, once again, talks about the President's credibility gap in the context of the tax cuts. I just wanted to go to some of those statistics, because I think they are so important in terms of what the President says these tax cuts are going to do, who is going to benefit from them, how they are going to impact the economy, versus what the reality is. This was an article in today's New York Times, and it is entitled ''The President's Tax Cut and its Unspoken Numbers.''

It starts out by saying, ''The statistics that President Bush and his allies use to promote his tax cut plan are accurate, but many of them present only part of the picture. For instance, in a speech in Georgia last week, the President asserted that under his proposal, 92 million Americans would receive an average tax reduction of $1,083 and that the economy would improve so much that 1.4 million new jobs would be created by the end of 2004.''

Now, no one disputes the size of the average tax reduction. But what the President did not say is that half of all income taxpayers would have their taxes cut by less than $100, 78 percent would receive reductions of less than $1,000, and the firm that the White House relied on to predict the initial job growth also forecast the plan could hurt the economy over the long run.

You say, how does the President talk about an average tax reduction of $1,083 and then you find out that most Americans do not benefit in a significant way? The reason is because only a few rich taxpayers, in a sense, get the largest reduction. So if you take the number of taxpayers and you put it into the total reduction, you get an average of $1,083, but most of the money is going to a very few wealthy taxpayers at the high end of the spectrum.

The cut for those with incomes of $40,000 to $50,000, according to calculations by the Brookings Institution and the Urban Institute, would typically be $380. For those with incomes of $50,000 to $75,000 it would be $553. But if you are someone at the high end, then you are getting tens of thousands of dollars back in tax cuts.

The President primarily when he talks about this tax reduction package talks about the stock dividends and how that is going to help not only turn the economy around, but help the average person, because there are so many people, particularly seniors, he claims, that are going to benefit from eliminating the tax on stock dividends.

But this article in the New York Times today addresses that and basically explains again the President has a credibility gap in how he is spinning it, because among the points that he makes is that more than half of all taxable dividends are paid to people 65 and older and that their average saving from eliminating the tax on dividends would be $936, and that 60 percent of people receiving dividends have incomes of $75,000 and less, and he goes on.

But what we find is only slightly more than one-quarter of Americans 65 and older receive dividends and that two-thirds of the dividends the elderly receive are paid to the 9 percent of all elderly who have incomes of over $100,000.

Essentially what you are having, again, is that most of the money, even with the stock dividend elimination, the tax on that, is going to very few senior citizens who have incomes over $100,000. The average senior citizen is not benefiting from it in any significant way.

I mention this because, again, I think it is important that we all understand that the President says something, and he spins it and makes it sound like it is going to benefit everyone and turn the economy around, but then the reality is that it is not. It does not accomplish that goal at all.

Let me just give you some information, if I can, about job creation. Last month during his State of the Union address, the President said we must have an economy that grows fast enough to employ every man and woman who seeks a job.

Of course, obviously, I agree with that statement. Who would not? But, unfortunately, a huge gap again exists between his rhetoric of employing all Americans and the economic stimulus plan that even the White House says is only going to create about 190,000 jobs this year.

He says everyone should have a job. He talks about an economic stimulus plan that will theoretically create 190,000 jobs. But you have 8.6 million Americans now actively looking for a job. He does not have any credibility because——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RENZI). The Chair would like to remind the gentleman from New Jersey that it is out of order to question the credibility of the President.

Mr. PALLONE. Mr. Speaker, I accept your ruling. I did not realize you could not talk about the credibility, but I certainly will not use that term again.

I just want to point out that when the President took office in January 2001, unemployment had reached a 40-year low. Two years later, 1.7 million jobs have been lost. That gives President Bush the dubious distinction of having the worst job creation record of any administration in the last 58 years.

So when we talk about job creation and how his economic package is somehow going to create more jobs, it may

create a few more, but it is not doing anything significant in terms of job creation as opposed to the amount of jobs that we have seen lost in this economic downturn.

Now I want to talk a little bit in the same vein about some of the health care initiatives that the President has put forward, because the bottom line is that over the next few weeks we are probably going to hear more specifics about what he wants to do with Medicare, with Medicaid, with access to health insurance, and also with some of the money that is going back to the States, other than through Medicare and Medicaid, to pay for some health care programs.

Again, if you listen to what the President said during his State of the Union address, basically he said that he wanted to not only strengthen Medicaid and Medicare, but also provide a prescription drug benefit in the context of Medicare for senior citizens.

Again, I would like to point out the fact that most of what has been proposed with regard to Medicare and Medicaid, in my opinion, will not only not strengthen the programs but weaken the programs, and that when he talks about providing a prescription drug benefit under Medicare, it is not a prescription drug benefit that most seniors will be able to avail themselves of.

In fact, again, in yesterday's New York Times, Monday, February 24, there was an article on the front page entitled ''Bush Proposes Major Changes in Health Plans. Critics See Less Security and Fewer Benefits.''

I would stress that critics see less security and fewer benefits because, the gist of this article says, essentially what the President is proposing with regard to not only Medicare and Medicaid, but also with regard to Social Security, are radical changes in the programs and the way these programs are essentially set up.

What I would like to do, if I could, is just highlight some of the major changes in the programs that I call radical or fundamental changes that are being proposed in these three very important programs that are relating to the health care of not only seniors, but poor people of all ages.

I start out by highlighting the first paragraph of this article in the New York Times. It says, ''President Bush has begun one of the most ambitious efforts to reinvent Medicare and Medicaid since the programs were created 38 years ago. Combined with his earlier plan for Social Security, the proposals offer a fundamentally different vision of social welfare policy, many experts say.

''Several architects of those programs, the people that put the Medicare, the Medicaid and the Social Security programs together years ago, argue that the Bush administration is retreating from the goals of the Great Society and the New Deal and the promises that government made across the generations.

''The Bush plans,'' they say, ''are essentially an effort to limit the Federal Government's financial responsibilities and to cap what is now an open-ended guarantee of specific benefits, in an effort to move from a defined benefit to a defined contribution.''

Essentially what the critics are saying, and this is brought out in this New York Times article, is that these were programs, you talk about Medicare, you talk about Social Security, these were retirement security programs, in the case of Medicare for health care for seniors, in the case of Social Security retirement benefits for seniors, that were basically guaranteed. You paid into this system and you worked over the years, and then when you reached the age of 65, you knew that you had certain benefits that were defined and guaranteed.

What the President is proposing now and the reason it is so radical is because he is basically saying they are not going to be defined or guaranteed anymore. He is saying in the case of Medicare that essentially what you will get is a voucher. You will get a certain amount of money, and you can go out in the private sector and see if you can buy health insurance with that voucher, if you will. But you may or may not be able to find it, and you do not know exactly what it is going to provide you with in terms of the benefit package.

With regard to Social Security, of course, he is talking about privatizing, and your being able to take the money out and invest it in the stock market or other types of things, so that there is a certain amount of risk, if you will, that the money will not be there because of those kinds of decisions that you made when you took the money away.

Let me just get a little more into some of the specifics, because I think it is interesting to see how the New York Times has analyzed this, and also talk a little bit about what the Democrats would like to do differently with regard to the Medicare prescription drug proposal and how the Democratic proposal is consistent with the guarantees and the tradition and the history of the Medicare program, as opposed to the President's proposal, which is not.

What it says in this New York Times article, again from Monday, is that Mr. Bush's Medicare proposal, being revised after an earlier draft drew fire on Capitol Hill, would encourage many beneficiaries to leave traditional Medicare and get their benefits through private health insurance associated with the program.

Now, some of the Congressional Republicans, some of my colleagues on the Republican side of the aisle, have specifically been opposed or have expressed reservations about the President's Medicare proposal, because what he seems to be saying is if you want the benefit of a prescription drug plan, that you have to go outside of Medicare. In other words, you have to choose a private plan, an HMO or something like an HMO, in order to get the benefits of a prescription drug plan.

It says in the New York Times, ''Criticism has come from even influential Congressional Republicans, alarmed at the possibility that the administration might be overreaching. They have been particularly scathing about the possibility that the Bush plan would require the elderly to leave traditional Medicare and join a private plan to get drug benefits discussed in the earlier draft.''

Now, the problem with this, again, is a fundamental change in the way we operate the Medicare program, because those who are in Medicare now know it is a guaranteed plan, it is a defined benefit; if you stay in the traditional plan, you can go to any doctor or any hospital and you get your health care covered. But what the New York Times says is that the architects of Medicare said the program was created with some fundamental precepts that the Bush proposal would undermine; that all working Americans pay into the same Medicare system, that the healthy and the sick, the rich and poor, end up in the same program and all have the same core benefits when they retire.

The idea that the elderly would be better served by a private nonprofit insurance market is anathema to those veterans of the Great Society. They say before Medicare, the private health insurance market was a failure for the elderly, nearly half of whom have no hospital coverage, and they fear that private health plans would be attempted to recruit the healthiest of the elderly, leaving sick or more costly patients in the original fee-for-service Medicare program.

So basically the problem with what the President is proposing for Medicare is not only a practical problem, in the sense that we are not really sure and we really have no reason to believe based on past performance that the elderly would be able to take this voucher and buy a good health insurance program, but the real danger is it undermines the traditional fee-for-service Medicare program for those who stay behind, because they are going to be the sicker and the more expensive people to take care of. So the problems, if you will, and the costs of Medicare, are aggravated by the fact that now the Federal Government is paying for an older population, if you will.

□ 2100

So it is almost a prescription, if you will, to destroy the traditional Medicare program.

Now, what does the President do or propose with regard to Medicaid? Medicare, as we know, is the program for seniors, those over 65, primarily. Medicaid is a health insurance program for poor people who fall below a certain income.

Well, again, I am going back to the New York Times article from yesterday: ''The issues raised in the Medicaid

debate revolve largely around the role of the Federal Government. The administration proposal would offer States advanced new power to reduce, eliminate, or expand health benefits for low-income people, including many who are elderly or disabled. In return for the flexibility and a temporary increase in Federal assistance, States would eventually have to accept a limit on the Federal contribution to the program.''

Now, critics assert it would replace the poors' entitlement to health care with a block grant to the States just when the number of uninsured is rising. Again, Medicaid a program for poor people, is partially funded by the States, partially by the Federal Government. What the President is saying is, we will give you, the States, the flexibility to determine what kind of benefits and who is covered, if you will, by Medicaid. In return for that, though, in the long run, we are going to give you less money. So it is really a cost-saving device. But what it does is undermine the guarantee that if you are poor and you are below a certain income that you are going to have your health benefits.

It is the same thing in a different way that the President is proposing with Medicare in the sense that a program that is provided with a guarantee, an entitlement, now ceases to be and the person is not sure whether they were going to get their health care or how they are going to get their health care or what kind of benefits they are going to receive.

Now, the last thing that is mentioned in The New York Times article yesterday is: ''Mr. Bush's proposal for Social Security, first offered in the 2000 campaign, would also break sharply with the past by allowing workers to divert some of their payroll taxes to individual accounts that would be invested in stocks. While its political prospects have been dampened by the declining stock market, Mr. Bush reiterated his support for the idea last month in his State of the Union address. Both sides agree that the coming debate over these proposals,'' that is all of them, Medicare, Medicaid, Social Security, ''will be a fundamental clash of political philosophies over the obligations of government, the rights of the individual, and the role of the private sector.''

Again, I am not an ideologue, Mr. Speaker, and I am not talking about this in the context of the ideology, whether it is a conservative or a liberal idealogy or whatever; I am just very concerned, and I think we all need to be, about the practical implications of what the President has proposed. When we have programs like Medicare and Social Security that are so fundamental to so many people in this country and we talk about radical restructuring of those programs in a way that may save the Federal Government money, but also risks the types of guarantees that are provided traditionally to seniors, I think it is something that we better watch very closely. I fear, Mr. Speaker, that with so many other things going on, that it may be possible somehow to pass significant changes here without us focusing sufficiently on what they really mean and what the impact is going to be.

Now, before I finish, I did want to say that in all of this argument, if you will, about health care, I think that there are two things that are crucial. One is that the number of uninsured in the country not continue to go up, which it has in the last couple of years; and, secondly, that we do, in fact, find some way to provide a prescription drug benefit for seniors. Because when I am home, when I am in the district, I hear primarily those two concerns when it comes to health care, which is: I was working, I lost my job, I do not have health insurance anymore. Or, I have my job, but the employer decided to drop health insurance. Or, my employer still offers health insurance, but now he is providing a package that costs me so much out-of-pocket that I cannot afford to buy it anymore or to take that option.

The other thing I hear, of course, very frequently is from seniors who complain about the fact that Medicare does not provide a prescription drug benefit and that they have tried maybe, in some cases in New Jersey, to join an HMO that would give them a prescription drug benefit; but they signed up for it, and then later they were dropped because the HMO decided it really was not profitable to provide a drug benefit to seniors, or now the copay, what it costs them out-of-pocket to pay for the prescription drug coverage, again is so high that it does not make sense for them to continue to stay in the HMO because the benefit is so limited and the cost out-of-pocket is so high.

So I think we have to understand that for Democrats, we feel that these two issues must be addressed: the fact that more and more people have no health insurance and the fact that we need a prescription drug benefit for seniors. But I would venture to say that with regard to that prescription drug benefit, to go the way the President is proposing, which is to say that one has to go out into the private sector and join an HMO or a PPO or something like that to get one's drug coverage, is not the answer.

In fact, the week before the recess, I actually participated in a press conference with Public Citizen; and they did a report on Medicare privatization. Basically, the report showed dramatically that HMOs and private insurance for seniors does not work; that the experience that we have had in the last few years where seniors tried to opt for HMOs in many parts of the country were not available, and where they were available, maybe they lasted for a few years and then they either dropped the seniors or it became unaffordable.

In my own State of New Jersey, in the last 2 years alone, nearly 80,000 seniors who had contracted with private HMOs lost their health coverage. In other words, the HMOs simply dropped them. So I just do not think, if we look at this Public Citizen report, we can come to any conclusion other than the fact that saying to seniors that in order to get your drug benefits you have to go into an HMO or something like that, some kind of private insurance is the answer. It is not. We know it is not. It does not work; it has not worked.

So what the Democrats have proposed and what makes the most sense is simply expanding our traditional Medicare fee-for-service program to include a prescription drug benefit that would be guaranteed for anyone who wanted it. We use the example of part B. As many people know, Medicare part A is hospitalization and Medicare part B pays for doctor bills, and under Medicare part B, you pay a certain amount of premium per month and the Federal Government pays for a certain percentage of the doctor bills. We have come up with a plan that would essentially do the same thing with a drug benefit. You would pay a premium of $25 a month, a $100 deductible, so that would be out-of-pocket and then after that, 80 percent of the prescription drugs would be paid for by the Federal Government and you would have a copay of 20 percent. Because of high bills, if one ends up spending as much as $2,000 out-of-pocket, then the Federal Government would pay 100 percent of your costs.

The last thing and the most important thing, I think, in many respects of what the Democrats propose is that we have a clause in our proposal that was introduced and voted on last session that says that the Secretary of Health and Human Services who administers the Medicare program has to negotiate for lower prices for drugs, because now he has 40 million seniors and he can negotiate for lower prices.

So basically, what the Democrats are saying is, yes, we want to expand Medicare to include prescription drugs; but we want to do it in the traditional way, so everyone has it, no one has to go to a private insurance or opt for an HMO to get it, you just get it; and the system is very similar to what we do with part B under Medicare now for doctor bills.

Mr. Speaker, I see one of my colleagues and I yield to him.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman, first of all, for coming out here tonight and talking a little bit about some of those issues that concern us. I know that as the gentleman talks about health, one of the things that really bothers me is now, the President's proposal, as it deals with the issue of health, one of the things that he has done is that he has begun to look at Medicaid, which is the monies that go to the most indigent of this country, and he has also looked at what we call the disproportionate share. That is the money that goes to those hospitals out there that

are providing that indigent care that have no reimbursement except what we provide them. So these are two areas of serious concern because it deals with the most indigent, the most needy in our country.

In addition, he has also looked at what we call the CHIP program. The CHIP program for Americans out there is the program that addresses the needs of those youngsters, of those parents that are hard-working, they are working, they are making $20,000, $30,000, $40,000; but they do not qualify for Medicaid because they are not poor enough and they are hard-working. When they go to the hospitals, they do not get reimbursed on the disproportionate share. So here we have three programs: the Medicaid for the most indigent, the disproportionate share for those hospitals to help them out, for providing that care, and the CHIP program that addresses the needs of those youngsters of those parents.

He is proposing to lump them all up. Here is a program that is a direct attack on the most needy of this country, the ones that are hurting the most in health care; and instead of responding and providing the needed resources that are needed out there, he is looking at providing a block grant and, at the same time, providing those resources to the States. But as the gentleman well knows, those States are in need right now. Those States are hurting when it comes to health care. These are programs that have worked and have somewhat been responsive to some of those needs. What is he doing? He is attacking the most needy of our population. So that really concerns me. It really bothers me. I wanted to share that, because I know the gentleman has talked about health care and the importance of health care, and I know the gentleman has also been touching on the budget.

What also bothers me is that as he looks at the budget, he is also doing the same thing when it comes to the most needy of our children. Under the Department of Health, we have a program that is called Head Start, one of the most beautiful programs that we have had for a long time. It has been very good. Statistics indicate, it has been shown that it has been the program that has responded and has been real good for those kids that are out there and has been meeting the needs of our youngsters. Yet we know it only represents 40 percent of the kids that qualify for Head Start that we are funding at the present time, and it only has 2 percent of the early childhood, those kids that are 2 and 3 years old.

Yet the President is choosing to destroy this program because his proposal is to block grant those monies and give it to the States, when right now those programs are being run locally, they are locally controlled, and he is going to create, by moving that money from the Department of Health to the Department of Education, it is a very serious move because right now the Department of Health also with Head Start, they work with our parents, they work with our kids; and they provide not only cognitive skills and educational skills, but also reach out to them in terms of services and needs. So what he is choosing to do is he sees these dollars out there, and he is choosing to put them in a block grant and throw them at the States.

Well, I can attest to my colleagues, if they come to Texas where I am from, Texas has had a history of not funding full-day kindergarten. We only fund half; the rest of the day is funded only by the taxpayer through local school districts. So if that occurs, I can attest that we will have a real problem, and they are going to destroy a program that has been there providing for those needs. By doing this, they are going to use that money to supplant because of the fact that they do not have the resources to provide the existing services that they have throughout this country. So I am real disappointed, after what has happened in his efforts that when it comes to education, he has not been there.

I also want to share, and I do not mean to take too much of the gentleman's time, but I want to share a couple of other things, because there is a pattern here. He decided to attack Head Start and try to put it into a block grant; he has attacked the most needy of this country with Medicaid, CHIP, and disproportionate share in terms of health; and he is also now attacking our veterans. These are the individuals that have fought for this country. At a time that we have declared war, he is asking Priority 7 and Priority 8 veterans, those veterans that are making just about $30,000 or so, for them to begin to pay more than what they already do for the services. And at the same time, not only is he attacking the resources for our veterans, but he is also attacking their kids. Not the kids of the veterans, but kids of the servicemen who now we are asking, or who are out there in Afghanistan, we are asking them to go to the Middle East, we are asking them to go to the Philippines, we are asking them to be in Colombia.

□ 2115

So those are the same soldiers of those kids that now we are saying we do not plan to help fund their education through the assistance. So those are the types of proposals that we have before us. At the same time, he brings to us a tax cut when we do not have sufficient resources.

If we do have a war, if we do have one, who is going to pay for that war? At some point in time every war, and I asked for a CRS study from the Congressional Research Office, I have found that for every single war we have had, with very few exceptions, we have always had a tax to pay for that war. In this case, we do not. It is being paid out of the deficit, which means we are asking our soldiers to go out and fight, and then we are asking them and their kids in the future to pay for it because of the debt.

So, Mr. Speaker, I am hoping that as we move forward we will have an opportunity to talk about these issues and concerns that confront us.

I want to touch base just a minute on education, because here we have a bill that is basically the President's bill. It is the Leave No Child Behind Act. Well, for 2003 we are already going to leave some children behind, because he has cut $7 billion from that. As the proposal comes out for 2004, it is a $9 billion cut.

So when we talk about a promise, and then we come back on that promise of leave no child behind and we cut $9 billion from the 2004 proposal, and this is at the same time that our States are having a rough time, I have difficulty comprehending what the rationale is. I have difficulty understanding, when he has verbalized his concerns for education, but at the same time he does not display that through the form of a good budget.

The budget basically determines everything. If he cuts taxes and we do not have the resources, I do not care what we say about anything else, it is not going to be there. So it becomes really important that we are forthright about that.

Now we hear that he is willing to come up with about $50 billion on foreign aid to try to pull off this war, not to mention that the war might cost us from $100 billion to $200 billion additional. These are issues that we really need to go and talk about before the American people.

I want to thank the gentleman for coming up tonight and allowing us an opportunity to talk a little about the budget and the issues that concern us. I know that the gentleman has been a constant worker, especially in the area of health care. I want to personally thank the gentleman, and I know we have another colleague that might want to say a few words.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's coming down. I know he has been a leader on the health care issue as well. Let me just make a couple of comments about the things that he said. I think we have about 20 minutes or so left.

The thing the gentleman mentioned when he talked about education, that is so important. I do not want to talk about credibility gaps, I will not use that word again; but the idea that one makes a promise with no child left behind, which means very obviously that no child is going to be left behind, when we know that in many parts of this country in the public school system children are being left behind either because they do not have the money or because they cannot locally get the teachers, or whatever the reason.

So the President gets up with much fanfare a couple of years ago and says

no child is going to be left behind. But when we get a budget with a $9.7 billion shortfall from what would be necessary to authorize and carry forth that act, that no-child-left-behind program, it is essentially hypocritical to continue to talk about no child left behind. So I think this is a perfect example of the kinds of things that I have been trying to point out tonight.

Going back to the health care issue again, the other thing that I think is so important is that this week the National Governors Conference is taking place. I think it is here in Washington. I am not exactly sure. What the President has been trying to do is to sell this Medicaid proposal to the Governors by saying, look, we are going to give you a lot more flexibility with this program, but you may get less money. We may cap the amount of money that you get.

The Governors have already been coming back on a bipartisan basis, some of them, saying this is not such a great idea because we do not have the resources. We know that, as the gentleman mentioned, in the States because of the economic downturn, most of the States do not have the money to continue to pay for these health care programs for poor people; or even for those who are working, like in the CHIP program, we call it kid care in New Jersey, providing health insurance for kids.

So what we are seeing is with what the President is proposing and the fewer dollars that he is giving out, with the number of uninsured, the number of kids that are going to be covered by CHIP are going to be reduced. The problem is if we implement this Medicaid program, the States are going to have the ability to basically cut back on that as well, so we will see more and more people that have no health insurance.

I am not talking pie in the sky here to my colleague. It has already happened in my home State of New Jersey. Some States have already expanded the CHIP program to cover the parents of the kids, or single adults who are working but do not get health care on the job. In New Jersey, the Governor has already announced that he has to get rid of those. There is even a question now about whether all the kids are going to be covered. So this is not something that is abstract.

The President would have to make sure that he provided significantly more resources to programs like S–CHIP or to Medicaid in order to guarantee that the programs continue to exist at the current levels, or to take in the people now that, because of the economic downturn, are not covered by health insurance.

What the Democrats propose, the gentleman remembers, in our economic stimulus package is that we would give more money to the States for Medicaid. We would up it by another 2 percent so they would not have to put out as much State dollars, which they do not have to cover everyone eligible for Medicaid.

We are saying in these hard economic times the Federal Government should do more to guarantee that working people that cannot get health insurance are covered. The President is doing the opposite at the very time when there are more and more people who have the need. It really is a wrong thing to do.

Let me just indicate, the gentleman from Texas (Mr. RODRIGUEZ) said it, we have a problem in health care out there. We would think that as a way of responding with the stimulus package, that we would not only answer a problem that exists out there such as health care, but we could also address the problems that our States are having.

One of the biggest problems and one of the biggest budget problems they have is health. So not only do we help the States in addressing the problem of the issue of health care and the deficits, but we would also be stimulating the economy by doing just that, and solving a problem and doing a good deed in terms of making sure that people have access to good quality health care.

So Mr. Speaker, if I can, I have seen the President in terms of his pattern. In Texas, he did exactly the same thing. He reached out to the Democratic side, and he was very open about reaching out and trying to help in education; but he also did a tax cut.

In Texas right now they have about a $12 billion deficit also. Now, yes, they have a great education bill, but they have no money to fund it, very similar to what he did over here. He came out here and reached out to Senator KENNEDY and the liberals and the Democrats and talked about education, did his tax cut and did the education. Now we do not have the resources, or we do not have the priority of the resources, to fund that same education bill that he has authored, and that same bill that he ought to be proud enough to put in the $9 billion that he agreed to when he cut that agreement. So we are hoping that he does not go back on his word, and that he fulfills that promise of leaving no child behind.

Mr. PALLONE. Mr. Speaker, I appreciate the comments of the gentleman. I thank him for coming down.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is interesting to have two Members of the House from the State of Texas. It is a pleasure to join my distinguished colleague, the gentleman from New Jersey (Mr. PALLONE), because he has been a leader on focusing us on the choices that have to be made.

Certainly, my good friend, the gentleman from Texas (Mr. RODRIGUEZ), chairman of the Hispanic Caucus, in his prior life was such an advocate for health care issues in our own State. I know that the State legislature misses him and his leadership. He spoke eloquently of so many important issues.

It concerns me to bring Texas to the forefront again, but as we do so, we use it as somewhat of a model. It is symbolic, if you will, of the plight of States around the Nation, which is one of the reasons why I support the Democratic economic stimulus package and our approach to the budget, which is to make the choices but make the choices as it relates to the domestic agenda, if you will, and, as well, be very cognizant that we cannot have it all.

Whatever side of the war question we happen to be on, and many of us have expressed our opposition, but whatever side Members are on, we have to realize that this war, if we enter into it, is going to cost at least $9 billion to $13 billion a month. That means that we will have to make choices as to how we design the budget; whether or not we take the leadership of our colleague, the gentleman from South Carolina, who has raised a very important question of making sure that we respect or show concern for the deficit and make choices for helping people climb out of poverty and climb out of a state of economic, if you will, deterioration.

But, unfortunately, I come to the floor to share the laundry list of concerns that I have that are not being considered by the present administration, that are now the fallout because of the proposed tax cut of the present stimulus package, but really the impact of the tax cut of just the last fiscal year that is now trickling down to the States.

I left Houston under the very terrible shadow of my community coming together to reach out, with community leaders pleading to prevent cuts in mental health services. We are at a point now where we are actually closing down services, closing offices that serve outpatients in our community for mental health, mental illness, because we do not have the funding.

We have policemen, firefighters, counselors, academicians, city council persons, mayors, coming together to plead with our State legislature. Let me say that the State legislators are certainly struggling with the $10 billion to $12 billion deficit in the State itself, trying to be responsive; but frankly, the counties and cities are feeling the brunt. We are literally closing facilities in Houston as we speak. We are literally not responding to the needs of our constituents for services dealing with mental illnesses.

Just yesterday I spoke to a constituent who had a family member living with them who truly needed to have outpatient services, truly was suffering; one who was in denial and needed services for the mental illness that they had but could not get it.

This is part of the laundry list. If we do not look at a budget that is able to be grounded not in a huge $600 billion-plus tax cut to the top 1 percent of the Nation, leaving those in the working middle class economic level without any remedy whatsoever, this is the real

face of the huge deficit that this administration is building, people who are now being closed out of services.

Let me mention something that only gets mentioned, I guess, when we go to town hall meetings. I think we frankly, and this is to the Speaker, need to address this, and this is what we call the notch babies, or the question of making fair that unequal pension program where teachers are not able to access the Social Security system because of a certain pension system that they are in in particular States. That hits Texas a lot and several other States. Those are some of our senior citizens who are in a program that now cannot be funded, or they cannot move out of that program to access Social Security, and they are barely making ends meet.

The gentleman has been a leader on the guaranteed prescription drug benefit through Medicare. One of the issues that Democrats, I believe, to a person, have made a commitment to see through, and frankly I believe we have made a very strong and valiant commitment to see it through in this session; but that, of course, is a choice that would have to be made in a budget designed to make choices for social needs and needs of individuals' domestic agendas as opposed to the agenda that may lead us into war.

That is a concern that I have: Are we going to be able to tell those seniors who are today making choices of rent, making choices of utilities, and making choices of cutting their drug prescriptions in half? Of course, what they do is, they do that themselves. Therefore, they cause detriment to their health because of the fact that we are not able to build into our budget or be able to fund a guaranteed Medicare prescription drug benefit.

I just came from a reception honoring a group that deals with world hunger. I was told at this meeting that we are not able, or that we have some of the highest percentages of malnutrition in the United States, that our children are malnourished.

I will say to the gentleman that Texas is again at the top of the list for malnourished children and children living in poverty. The key is that many people complain about the school breakfast and lunch program. We are being told that some children in America are not even able to match the 40 percent amount that they need to be able to pay for lunch and pay for breakfast.

□ 2130

I have heard a lot of complaints. I remember 2 years, 4 terms ago, I am trying to remember, 1995, I guess, when we had a valiant fight to preserve school lunches or to make sure that people knew, this Congress knew, in fact, some of our colleagues knew that school lunches or the cuts in school lunches were just unacceptable. I think we prevailed upon that. But here we are now, full circle, where the funding for school lunches, where the States are suffering, and the children of families cannot afford the matching amount. This is a question of making choices, of living in poverty or accepting the fact that our children live in poverty and are malnourished.

I heard my good friend from Texas talking about Medicaid, but I hope it was mentioned that we have a trickle-down effect from that because we have HHS regulations loosening the, if you will, the sort of guidelines that the State may utilize. What is the reason? Not to make it easy on the State to be able to serve its constituency but to make it easy on the State to cut people off of Medicaid.

I think in this day and time, some of those very families on Medicaid have young men and women now facing harm's way in the United States military. Some of those very same families are families that are in need of Medicaid. And now because of loosening guidelines, the State may pick and choose who will be able to access health care in our community. We just passed a welfare bill, and you heard the debate on the floor of the House. We had a bill that would provide a safety net for those who are trying to move themselves out of welfare who may be coming to a point of reaching sort of a cap on Medicaid and child care. And now we have passed a bill that did not provide a safety net in child care. In fact, there were not enough dollars for those mothers who want to be able to move or those parents, single parents, whoever it might be, to step out of welfare and have children that need child care. Here is a safety net that is going by the wayside.

So I believe the budget approach that we want to take is reasonably adjusting to and addressing a domestic agenda that this Nation can be proud of; a domestic agenda that would include a guaranteed Medicare prescription drug benefit, that would include recognizing the needs of the individuals suffering from mental illness. We have always had a problem with that. We have yet to pass in this Congress the issue of parity. And I say that I always have to bring up my dear friend and all of our friend, Senator Paul Wellstone, who was a vocal fighter for parity in mental illness. We have not reached that. And the reason why we could not complete that deal, if you will, was on the question of the budget and finances and choices. Why should we, this Congress, year after year and session after session deny people who rightly deserve the consideration of the people's house and their representatives in Washington to be able to provide funding or at least matching funds to their State governments?

Frankly, I believe that it is a shame on us, shame on our House and shame on all of us that we are not able to address these questions. We will not be able to do this if we do not sit down in a reasonable manner and put forward a budget that does not spend all of its time carving out the needs of others just in order to respond to a $600 billion permanent tax cut or more. And I want to put the word in there ''permanent,'' and I think my good friend who is on the floor said in times of need we always made sacrifice.

I am not a supporter of the war but if, for example, that occurred, that is time for sacrifice. A sacrifice does not entail a $600 billion-plus permanent tax cut to individuals at the 1 percent tax bracket. But let me add this as I close. Not only the 1 percent tax bracket but the, I believe, nonsensical explanation of giving relief on dividend income suggesting that it has been taxed twice. It has not been taxed twice. It is taxed as income to the corporation. They then give the dividend to the recipients of the dividend. It is income and the income of the individuals. So you are taxing the dividend. The dividend should not have a life of its own. It is taxing the individuals who, I believe, would be willing to sacrifice while we are in a state or a condition that requires sacrifice of all individuals. That is ridiculous.

And let me close on a personal note, because it is very near and dear to us in my community and that is NASA. And, of course, there is a great debate and will be a great debate on the human space shuttle, but I am very gratified that over the years we have gained friends in this House realizing that the human space shuttle generates research in HIV/AIDS and stroke, heart disease and cancer. And all of us have offered our deepest sympathies to the *Columbia* 7 families and to the NASA family, people who are committed to expanding our horizons. Well, that is something that we considered a part of America's culture and achievement.

Now, I hear discussions of budget cuts that may be looking at cutting human space flight before we even find the answers of the *Columbia* tragedy and not looking at it for what it has done for Americans and America and the world, giving us the opportunity to push the intellectual research, scientific and medical envelope to provide new discoveries that would help create better lives not only for Americans, for people around the world.

We have to make those kinds of choices if we continue along these lines of deficit building, huge tax cuts and a budget that does not focus itself on the needs of people in this Nation, and of course the pending winds of war that may cause us to spend enormous amounts of money, and not only at this time but in the rebuilding of the nations that may be impacted as we are already doing in Afghanistan.

So I want to thank the distinguished gentleman for coming to the floor and bringing these very vital issues up. It pains me to have to be able to say to constituents over and over that we are trying to work on your issues and we are seeking relief when they are suffering on a daily basis. I think we need to get to work and focus on a budget

that focuses on a domestic agenda that makes sense to Americans, but most importantly addresses the pain that many Americans are suffering right now today.

Mr. PALLONE. Mr. Speaker, I think we have just a few more minutes, but I am really pleased that the gentlewoman raised the issue, first of all, of the cost of war and some of the aid packages like to Turkey that has been in the paper the last few days and also to NASA. Again, my point this evening when we started this Special Order was to discuss the President's rhetoric versus what he is actually doing with the budget and all of promises, if you will, that are made about turning the economy around, creating more jobs, providing health care, providing prescription drugs, not raising the deficit. And then what we find is that these tax cuts do not really help the average guy, do not do anything really to stimulate the economy and are creating these huge deficits.

But what the gentlewoman is pointing out is that in addition to that is we do not have a true budget at all because we are not including the cost of the war which, as the gentlewoman said, is estimated at something like $100 to $200 billion. And that does not include the AID package. Of course, I point to Turkey because that has been in the paper. I do not know how many other countries will be asking for money. I think that was in the tens of billions, what is being discussed.

None of this is in the budget. And so the reality is we may wind up with a situation that by the time this budget is adopted in the appropriation bills by the end of the fiscal year where there have to be even more cuts if you are going to implement, more cuts in health care, more cuts in the things that we were discussing, education, if you are still going to have these tax cuts and pay for the cost of the war or perhaps bigger deficits.

Again, it is just a very sad situation because I think that the President has to be forthright with what he is really doing and not say that we are going to be able to turn the economy around and do all of these things and give tax cuts and fight a war and not increase the deficit. It does not add up. It just does not add up. And it is really incumbent upon us over the next few weeks as we move forward and adopt some sort of budget to make the points that the two of you have been making tonight because we are not, I do not think we are being honest with what is really going on around here and we are trying to be honest. And we have to call the President and the Republican leadership to task about what they are really going to be able to accomplish. So I want to thank my colleagues.

Ms. JACKSON-LEE of Texas. Mr. Speaker, just for a moment, I want to make sure the gentleman emphasizes that they are promises made, but they are promises not kept.

The one point I want to make on a prescription drug benefit, while we have such a disagreement, if you will, is because the one that has been promised that has not yet been consummated, if you will, still requires seniors to take money out of their pocket, still is sort of a managed-care-type proposal. And my only fear, as I mentioned by starting out by saying that I have doors closed on those suffering from mental illness, is that I have experienced 2 or 3 years ago HMOs just closed up shop on my seniors and left. So I just do not want to see that happen again, and that is why I think this is an important challenge.

Mr. PALLONE. Mr. Speaker, the notion that we will be able to rely on the HMOs in the private sector to provide the drug coverage or any kind of coverage is totally belied by the reality of what has happened in the last few years. In New Jersey alone in the last 2 years 80,000 seniors taken off, HMOs dropped them.

If we do not provide across-the-board prescription drug plans the way the Democrats have devised, we have no guarantee that the seniors will get their drug coverage. I cannot believe after the experience we have had the last few years that has dramatically shown that HMOs will not provide the seniors with the drug coverage, that anyone, including the President, could suggest that somehow that is not the answer. It is, again, the suggestion or the promise that you will do something. The reality will be very different because they will not be able to find that kind of coverage. It will not exist.

NO SUPPORT FOR MIGUEL ESTRADA NOMINATION

The SPEAKER pro tempore (Mr. BEAUPREZ). Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I thank the Speaker for allowing us the opportunity to be here tonight.

I wanted to come out tonight to talk a little bit about the issue that the Senate is having to deal with and that is the issue of the nomination of Miguel Estrada. And I want to personally, first of all, thank the Senators that are choosing not to support the nomination. And I want to personally thank them because I know that as a caucus we had appointed the gentleman from Texas (Mr. GONZALEZ) and the gentleman from California (Mr. BECERRA) and the gentleman from New Jersey (Mr. MENENDEZ) and several others to look at the nomination process. And we have had a process where we have asked Members to come forward, and my understanding is that we have always, every single Hispanic that has ever come before us we have approved. This is the first nominee that we have chosen not to approve.

And the reason we have done this, and it was not an easy decision, it was a hard decision because of the fact that, after all, he is a Hispanic and we recognize that it would be very difficult for us to go against him. But the reality was and what we were all unanimously in agreement that we could not endorse this nominee and, in fact, that he did not deserve our nomination, our recommendation. And the reason we came to those conclusions was after we had had the opportunity to interview him, after we had an opportunity to look at the documentation, and, first of all, we found that Mr. Estrada has no judicial experience. And when we have looked at the fact that we are going to be nominating this person for life to a court that will be the second most powerful court next to the Supreme Court, we really need to take note that he has to be a little bit more responsive about answering the questions that come before him. He has to be a little more truthful about coming forward because either he is naive about some of the questions or the fact is that he chooses not to respond on the questions that were asked of him. And that really disturbed us.

One might ask, well, let us give him a shot. Well, the reality is that that might be the case for elected officials, individuals that might be here who get elected. But here is a person that we are going to be appointing for life. Here is a person that we recognize that we do not, if we do not ask those questions will be there for rest of his life.

It is not a typical appointment of someone like ourselves that we run for office that you might say, well, let us give this candidate an opportunity to serve. If he does not make it, then we will not vote for him the next time. That is not the case when it comes to Federal appointments. They are in there for life. So it becomes really important that the Senate have the opportunity to have the documentation that is needed, to have the documentation that is asked of them, and it is something that is fair.

□ 2145

As elected officials, one of the things that we are told from the very beginning, at least the advice I was given some time back, was that be very careful as an elected official about writing letters of endorsements, and so I take that very seriously. I never write letters of endorsement unless I know the person, and even then, in certain cases, if I know the family, but we have to be very cautious because we do not know.

In this case, the Senate has an obligation, a constitutional obligation, a responsibility, to make sure that if they nominate someone, that they have had a chance, because it is kind of giving a letter of recommendation, and this is a letter of recommendation as a form of a nominee and accepting the nominee for life. So they have to make sure that, if nothing else, the person is able to respond to some of the questions that are up there and to be able to respond in a way that allows an opportunity for us to learn a little bit about the candidate.

One of the things that I know he has been asked time and time again about, for example, simple questions about which court cases does he think have been wrong or have been decided or have been harmful, which court cases have not. I am not an attorney but I could tell my colleagues that there have definitely been some court cases out there, some of the cases that allowed for slavery, Plessey versus Ferguson, and a lot of those cases that allowed us not to treat African Americans as full human beings. Those could be easily responded to, but he chose not to do that. He chose not to open up and talk about his concerns.

We asked the Senate to continue this effort until we get a response from the candidate. And one of the things that I want to share is I know there is a lot of dialogue about the fact that we are Hispanics and we ought to be supportive. The reality is it is because he is Hispanic. We also want to hold that anyone accountable, but more so anyone who is Hispanic; and before we would ever go against it, we would make sure that it would be for the right reasons. One of the concerns that we have is that he is just not responsive. He has not, and the reality is that he does not have the experience that a lot of other attorneys have had.

Once again my colleagues say, well, he is well qualified. But we have a lot of municipal judges out there, we have district judges out there, we have had some of our own Members, the gentleman from Texas (Mr. GONZALES), has been a judge and has had some experience in that area. There is a great number of other people that are well qualified that could basically serve, but the administration chose to bring one of the most difficult candidates. At the same time, I know that the Senate has confirmed more than a hundred other candidates. So this is one candidate that we have a problem with.

The other side talks about the fact that, well, he is a Hispanic and that we ought to push forward because of the fact he is a Hispanic. Well, someone has to stand up and say the king has no clothing, and in this case, there is nothing there. Maybe there is. Maybe after he opens up and addresses the questions that are out there, we might decide that, yes, he ought to be nominated; but at this point, we stand on the fact that we are not endorsing the candidate and we are hoping that the Senate stays with that.

Let me talk about a couple of other nominees. I know we have had Richard Paez on the Federal district court in Los Angeles. On June 16, 1994, the Senate unanimously confirmed Richard Paez to the Federal district court. That was after he had waited for a long time before that ever occurred, and he was one of the ones that I think waited the longest, with difficulty. So we have had a lot of nominees that have waited a long time, and I would ask the Senate to take this nomination extremely serious and would ask them to really look at those issues that are before us.

I want to ask my colleague the gentleman from California (Mr. BECERRA) who is here with me to say a few words because I know he participated on the committee, and I want to ask if he would come forward.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEAUPREZ). If I might remind Members to be very cautious in their reference to the Senate. Members should not urge action by the Senate.

Mr. RODRIGUEZ. Mr. Speaker, I thank the Chair. I will be.

I yield to the gentleman from California (Mr. BECERRA), and I want to thank him because I know that in California LULAC has also decided to go in opposition to the nomination. So I know, coming from California, I want to thank him personally for that.

Mr. BECERRA. Mr. Speaker, let me begin first by thanking the gentleman from Texas (Mr. RODRIGUEZ) for yielding me some time and for taking this opportunity to speak on a very important issue which oftentimes, given the crush of the agenda here in Washington, D.C., potential war with Iraq, potential war with North Korea, with a growing budget deficit that is now surpassing $200 billion for this year and we thought we were going to be looking at budget surpluses, the fact that more and more Americans are losing their jobs, the fact that we have more than 42 million Americans today that are without health insurance, the fact that in almost every State in the Union, Governors are talking about having to cut back on what they will do for schools, and as a father with three little girls, all of those things have to concern us. They certainly concern me.

So without putting aside those very important issues, I believe that it is important this evening to talk a little bit about another very important role that Congress plays with regard to the Nation's life; and, that is, helping select the lifetime appointees to our Federal courts. And I believe it is very important to point out that we are talking about a lifetime appointment. Once this individual who must be nominated by the President, then confirmed by the Senate, is so confirmed, that person is entitled to remain in that position until he or she expires. And so that person will be setting the course of this Nation's future, not just for us but for our kids and well beyond that with his or her actions and words.

For that reason, the Founding Fathers of this great Nation decided that while the President has the right to nominate, it is the obligation, the duty under the Constitution of our country for the U.S. Senate to confirm, to provide, as the words of the Constitution say, its role is to advise and consent the President of the United States.

It is very interesting in this particular case, as my colleague and friend from Texas has pointed out, that we have a nominee who has been nominated by the President, Mr. Miguel Estrada from the Washington, D.C. area, to serve on the Second Circuit Court of Appeals. Some consider the Second Circuit Court of Appeals the second most important court in the land after the U.S. Supreme Court.

This individual who has been nominated by the President is in many respects a blank page. He has never served as a judge. He has not, as far as I know, written any legal articles, certainly not since his law school days. He has not provided any writings that are essential to determine what his philosophy is, what his background has been in the law. He is a question mark. Some would consider him a phantom candidate. And to believe that the U.S. Senate would just vote to confirm an individual, without going into the qualifications of an individual, is not only unconscionable but it is downright scary, and yet that is where we are today.

The worst part about this whole situation with this confirmation process is that it seems that some are trying to toy with this nomination and play this as a battle on ethnicity; that because Mr. Miguel Estrada, a U.S. citizen, is not being confirmed automatically because the President has nominated him, that it must be because people are anti-Hispanic.

I thought quite some time ago, the most important court of the land, the U.S. Supreme Court, decided that we do not operate in this country based on quotas and that a person does not get in because they have a particular ethnicity or they are a particular race or because they are a particular gender; that they must prove themselves. Certainly we can consider everything that makes a person an American, their background, all those factors, but that one factor alone does not grant a person the right to such an important position, certainly one where a person would serve for a lifetime.

But yet this controversial nominee, and across the Nation everyone is calling this a controversial nominee, is before the U.S. Senate. The President is asking for a vote on this gentleman, and this is an individual who has refused to answer some of the most basic, most fundamental questions that have been asked of previous nominees in the past, and it makes it very difficult to understand why we would want to go down the route of ever, ever confirming any individual who is not willing, who refuses to disclose information about himself or herself, that would lend to the Senate the ability to cast an informed judgment on whom should serve in the courts of this country to dispense justice for all of us as American citizens.

That constitutional duty that the Senators have should not and never has, as far as I know, been taken lightly. But in this particular case, when we have someone who has refused or failed to answer simple questions, who is your role model on issues of judicial philosophy, what cases have you seen as important in driving the legal agenda and the direction of our judicial

process in this country, simple questions are still unresolved.

Basic information in document form, at a time when we have a nominee who is such an unknown, open question, basic documents that relate to his work when he worked for the Solicitor General's Office for the Federal Government have not been disclosed, and the White House refuses to provide those documents.

It almost seems as if we are being told in this country that because Miguel Estrada happens to have a last name that is Hispanic, because he is of immigrant background, and I applaud all those things, what he has succeeded in doing in getting himself educated and hopefully becoming a successful citizen for the rest of his life, but because of that, does he receive a free pass to a lifetime appointment as a judge on the Federal bench?

I know that most of us here are very proud to be Members of an institution that has reflected a democracy older than any in the world's history, and I believe each and every one of us would say that we are proud that we have earned the right to be here because Americans helped us, through their vote, to get here. But we had to earn the opportunity to be here. No one granted us, as a result of some quota, an opportunity to serve in this House, and there is no difference in the importance of that other branch of government, the judiciary, than there is in the legislative branch, to prove your mettle, to show your qualifications, to indicate that you are prepared to demonstrate you have the disposition to be a judge.

It boggles the imagination to believe that in the Senate we may see a vote on an individual who is still an unknown commodity to the American public, someone who will be dispensing justice on the most important issues of the day: war, abortion, the right to education, health care, the rights of seniors. It seems incredible to believe that we have to stand here today to talk about this, but this controversial nominee has put us in this position.

I applaud those Senators, all of those Senators who are standing up not just for what they believe is right, but for the history of this country and standing up for the Constitution of the United States of America that says the Senate must, must perform its obligation to advise and give consent to the President of the United States on judicial nominees. I hope that they will continue to insist that anyone wishing to serve in a lifetime capacity dispensing justice in this country as a judge in the Federal courts will provide that information.

□ 2200

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEAUPREZ). Members are reminded to be very cautious about urging action by the Senate.

Mr. BECERRA. I thank the Speaker for that admonition.

I believe it is very important as we move forward that Congress fulfill its obligations, and they are obligations that none of us here voted on to make it the law. It is something that was done more than 200 years ago by our Founding Fathers who believed when the Constitution of the United States was written back in 1787 that it was important to make sure that that coequal branch of government, the legislature, participated in decisions that would be made by the executive branch, the President, to fill the third coequal branch of government, the judiciary.

I am very pleased that the gentleman from Texas (Mr. RODRIGUEZ) has taken the time to call for this special order to give us an opportunity to talk about this particular controversial nominee and what it means to the American public and to the American future when it comes to dispensing of justice. I hope that we can engage in further conversation.

Mr. RODRIGUEZ. I want to thank the gentleman from California (Mr. BECERRA) for being here tonight because I know that he worked diligently on that committee established by the Congressional Hispanic Caucus of which we, over 20 Congressmen throughout this country, represent a good number of the Hispanic population throughout this country. I know that as you well know how difficult it was for us to make this decision but we felt an obligation and responsibility.

I want to share with the gentleman, we had the LULAC group, the State group out of California, come forward.

Mr. BECERRA. For those who may not know what LULAC is, it is the League of United Latin American Citizens. It is the oldest civil rights organization representing Hispanics nationwide in the country.

Mr. RODRIGUEZ. I want to thank you because I know the State LULAC group out of California went forward in opposing the nomination. I have two letters here that I want to talk briefly about. They are both past Presidents of LULAC, they are all leaders in our community; President Robles, Belen Robles, in opposition to the confirmation of Miguel Estrada.

President Robles, President, National President of LULAC, past President, writes, I write to join other Latino leaders and organizations in opposing the confirmation of Miguel Estrada to the D.C. Circuit Court of Appeals. As a native Texan, she writes, I have a very long and active involvement in the Latino civil rights community and have worked hard to ensure that Latinos have real choices about their lives. I am a past President of the League of United Latin American Citizens, LULAC.

I am deeply troubled with the nomination of Miguel Estrada. I am very troubled with the positions he seems to have taken about our youth being subjected to racial profiling. As I understand his position, he does not believe that racial profiling exists, and has many times argued that the Constitution gives police officers unbridled authority and power. In our community, she writes, racial profiling does exist and our children have been subjected to it. This is an issue that Latino organizations, including LULAC, have long cared about. In all of the years that I was involved with civil rights, LULAC always stood to protect our community, including our youth, when law enforcement exceeds their authority.

I am also concerned, writes President Robles, that Mr. Estrada did not allow the Senate to fully evaluate his record. He was not open in his responses, but instead was evasive. Yet anyone appointed to a lifelong position has to be willing to answer questions fully. The American people have a right to know who sits in our seats of justice and to demand that person be fair.

Mr. Estrada has also taken actions against organizations that make me believe that he would not be fair. For example, she writes, as an attorney, he argued that the NAACP did not have legal standing to put forward the claims of African Americans who have been arrested under a particular ordinance. As a former National President of LULAC, she indicates, I know very well that on many occasions LULAC has been a champion of the rights of its membership in civil rights cases. We asserted those rights on behalf of voters in voting cases in Texas and in many other civil rights cases. Under his view, Mr. Estrada could decide that a civil rights organization such as LULAC would not be able to sue on behalf of its members. No supporter of civil rights could agree with Mr. Estrada's confirmation. For that, she writes, I oppose the confirmation of Miguel Estrada.

I know the gentleman has had the pleasure of meeting Mrs. Robles, a great leader in this country, and has been there working in behalf of our constituency and continues to do that, and so I was very pleased to also have received her letter. I know the gentleman from California has had the pleasure of knowing her.

I also have before me, I wanted to share with you, because I was also pleased to hear from another past President of LULAC, and this is President Ruben Bonilla, in opposition to the confirmation of Miguel Estrada.

President Bonilla, as he expressed his concerns, talks about, and I will read just part of that. He says, it is particularly troubling that some of the Senators have accused Democrats or other Latinos of being anti-Hispanic, or holding the American dream hostage, he writes. Yet these same Senators in fact prevented Latinos appointed by the Clinton administration from ever being given a hearing. Notably, Corpus Christi lawyer Jorge Rangel, he recalls—President Bonilla is from Corpus—and also El Paso attorney Enrique Moreno and Denver attorney Christine Arguello never received hearings before

the Judiciary Committee. Yet these individuals who came from the top of their profession, were schooled in the Ivy League, were raised from modest means in the Southwest and in fact truly embodied the American dream. He further says, these highly qualified Mexican Americans never had the opportunity to introduce themselves and their views to the Senate as Mr. Estrada did.

In addition to my concerns regarding this double standard, and he talks about a double standard in his letter, I am also concerned that Mr. Estrada showed himself unwilling to allow the Senate to fully look at his record. He was not candid in his responses, as anyone who saw the interview would have come to that conclusion. Yet Mr. Estrada, as every other nominee who is a candidate for a lifelong appointment, must be prepared to fully answer basic questions, particularly where there is no prior judicial record.

In this case he has no record because he has never been a judge, so it is difficult, and you being an attorney can understand that, in terms of looking at how we can scrutinize or whether he is scholarly or not.

This is a comment by Ruben Bonilla, the past President of LULAC, also: By declining to give full and candid responses, he frustrated the process. Individuals with values should be called to explain those values honestly and forthrightly, he adds. He also indicated, we can demand no less from those who would hold a lifelong appointment in our system of justice.

Finally, I am also concerned, writes President Bonilla, with some of the answers that Mr. Estrada did give when he was pressed. For example, I understood that as an attorney, he argued that the NAACP did not have legal standing to press the claims of African Americans who had been arrested under a particular ordinance.

And he writes, as a former National President of LULAC, I know that on many occasions LULAC has represented the rights of its membership in voting cases and in other civil rights matters. I would be troubled that if he were confirmed, Mr. Estrada would not find a civil rights organization to be an appropriate plaintiff, and would uphold closing the courthouse door on them.

As we see these letters of these leaders, two Presidents of LULAC, we see the concerns that they have expressed, and mainly because of the lack of information that we have received and the fact that he has been unwilling to come forward. I am hoping that as we move forward, he might come back and respond to some of those questions.

I know that the gentleman from California wanted to make a few more comments.

Mr. BECERRA. I cannot agree with what the gentleman has said more. I believe the gentleman from Texas is helping to set the record straight. It is fascinating that as we are here discussing a very important subject of who will serve for a lifetime on our judicial courts, that we have to discuss this in terms of brown versus white, Republican versus Democrat. I think it is unfortunate because, quite honestly, Miguel Estrada has been his own worst enemy, because he has refused to provide information that would give people sufficient ability to discuss and then entertain his nomination and vote on a confirmation. I think at the end of the day, if Mr. Estrada does not move farther through this confirmation process, he has only himself to blame.

Certainly I do not believe the administration, the White House, has done him any favors in refusing to produce the documents that would give the Senate a better sense of who this person, who has never served as a judge, who has never taught a class in law, who has not published an article on the law since law school days, is not willing to provide any additional information.

Because this has become a very intense debate by those wishing to make this into more than what it is, I think it is important to address those issues. Some people are saying, well, Democrats don't want this gentleman because he is Republican and he is conservative. You don't want a conservative Republican Hispanic. That goes contrary to the fact.

Last Congress when the Senate, in majority, was Democrat, you saw the Senate Democrats swiftly confirm six Hispanic judicial nominees who were chosen by President Bush: Christina Armijo of New Mexico, Judge Phillip Martinez of Texas, Randy Crane of Texas, Judge Jose Martinez of Florida, Magistrate Judge Alia Ludlum of Texas, and Jose Linares of New Jersey, all Republican, all Hispanic, all swiftly confirmed by Senate Democrats.

Then we have heard the charge made that, well, you don't want him simply because he is Hispanic, that Senate Democrats are anti-Hispanic; which would be farthest from the truth, because if you look back at the record, most of our appellate court judges, most of our district court judges, have been appointed by Democratic Presidents. I should only remind those who keep saying that of the 10 Hispanic appellate judges currently seated in the Federal courts, 8 were appointed by President Clinton. Three other Hispanic nominees of President Clinton's to the appellate courts, I should mention, were blocked by Republicans, as well as other district courts, the trial court level nominees by President Clinton, also blocked by Republicans when they controlled the Senate.

Some will say, well, what we are really finding is that you are just trying to get your kind of judge. The problem here is we do not know what kind of judge Mr. Estrada might be. We have no concept of it. He has been unwilling to volunteer information on that. So, first, that is an unfounded accusation because no one knows enough to say what kind of judge he would be, and, secondly, everything that has been uttered or provided seems to indicate that he is far from the mainstream. But again it is tough to say. Maybe he is close to the mainstream. It would help if he would disclose some of that information so we could make a decision on this very controversial nomination.

It is interesting when you think that if the President really wanted to make a point about appointing an Hispanic as a judge, and I hope what they were looking for was an American who was extremely well qualified and prepared and happened to be Hispanic to be judge, but it seems like it was just the reverse, he was Hispanic and put him out there to be the judge, that the President would have taken the time, and others would have taken the time to recognize that if you want to get qualified individuals, there are over 1,000 sitting judges today in America, over 1,000 judges, State, Federal, local level judges throughout America who are American and happen to be Hispanic. But, no, instead of that, it looks like the White House picked someone who has very little record, very unwilling to disclose, and the White House is unwilling to provide documents to help us understand.

It is unfortunate but there is a constitutional obligation here and we must recognize that the Senate must do its job. As much as I want to see a diverse America prosper with a diverse judiciary, I will stand here and say that I am first and foremost an American, and I am very proud of it, and I am very proud of what I have been able to accomplish in life, having grown up in a home, was the first born in a place where we had about 580 square feet of house in a one-bedroom home for my three sisters and I, with parents who did not have much of an education. But we were very fortunate. We had great parents. They to this day continue to be great parents. That will drive others to greatness as well. But let it be that we prove ourselves. Let it be that we are willing to show who we are.

Is there something that Mr. Estrada is hiding? Is there any reason why the American public should wait until after the fact instead of before the fact to know about this gentleman that wishes to have a lifetime appointment?

□ 2215

Let us know now so we can make informed decisions on who will serve us on the bench, and I believe Congress that when we stand here and say that we find it very difficult to support a process to move forward on confirmation of Miguel Estrada, it does pain us. It pains us quite a bit because we know that on the judiciary we do not have the kind of diversity that we see today in America; but we want to see it filled with the most qualified, the most prepared individuals, those who have shown the temperament, the disposition to dispense justice for all Americans, whatever their color, whatever

their background; and that is why we have an obligation to insist as Americans and as Members of Congress that the Senate abide by the Constitution and its role to advise and consent and make sure that when the decision is made, they have made it for the right reasons for the entire American public.

And I cannot say at this stage that any of us can believe that this controversial nominee has gone anywhere near the point where anyone can feel comfortable voting to confirm him to a lifetime position. It is difficult to say; and I wish we did not have to stand here when there are other issues like potential war, poverty, unemployment, lack of health care, failing schools. Yet we must discuss this because we know the courts and these individuals who wish to be judges will be making decisions for all of our kids, all of our grandparents, our parents, our brothers and our sisters, our military men and women. They will be making decisions that affect their lives, and we have to make sure that the Senate does the right thing. So at this stage what can we say but continue, Senate, to fulfill the obligation, to receive the information they need, to be able to advise the President and then give consent if it is merited to any nominee that the President wishes to put before the Senate for confirmation as a lifetime judicial appointment.

I think it is great that the gentleman from Texas (Mr. RODRIGUEZ) has taken the time to have this Special Order here, and I hope we will continue to have this discussion. We are not debating. It is hard to debate someone we know little about. But it is great to discuss it because that is what America is all about.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentleman from California (Mr. BECERRA) personally, but also maybe he can correct me if I am wrong, but I have been here 6 years and in the whole process this is one of the first nominees, I think, that we have opposed and the gentleman would correct me if I am wrong, and I know that we took it very seriously. We did not take it lightly. We recognized the importance of the nomination process, but as Latinos in this country, we also felt an obligation and responsibility to make sure that if there is anyone who is nominated up there that we feel that maybe they have not been forthcoming in their answers that that needs to happen, and so one of the things I think it is important is that here we have a Latino Hispanic who is not being responsive and for them I think the gentleman mentioned the issue of being anti-Hispanic. We are asking the person just to respond to the questions. Just as there would be an Anglo or anyone else, we would expect them to do the same.

Mr. BECERRA. Mr. Speaker, could I stop the gentleman from Texas (Mr. RODRIGUEZ) on that point?

Mr. RODRIGUEZ. Mr. Speaker, I yield to the gentleman.

Mr. BECERRA. That is a crucial point because people are saying, you would not do this to anyone else and we have never done it to anyone else in the Senate. That is not true. What is being asked of the White House to produce memoranda that were prepared by Mr. Estrada during his time with the Solicitor General's office is no different than what was asked for of Judge Bork when he was before the Senate for confirmation to become a Supreme Court Justice. It is no different than what was asked of Mr. William Bradford Reynolds, who was nominated to be the Associate Attorney General for the Department of Justice. It is no different from what was asked of Benjamin Civiletti, who was nominated to be the Attorney General. It is no different than what was asked of Steven Trott, who was nominated to the Ninth Circuit Court of Appeals, and it is no different than what was asked of today's Supreme Court Justice, Chief Justice William Rehnquist, when he was nominated to be the Supreme Court Chief Justice. No different.

People say we have never seen a process where Senators are on the floor preventing a vote on this through a cloture motion trying to prevent a filibuster. There is no filibuster. Business can take place in the Senate. That is something that is occurring not as a result of those objecting to this process on Mr. Estrada; and it should be mentioned that since 1980 there have been, I believe, some 15 to 18 occasions where this process which we are seeing played out in the Senate has occurred where in order to have a nominee before the full Senate for a vote, we would have had to have the 60-vote majority in order to get there. So when people get out there and say this is unprecedented, it has never happened before, that is just not the fact; and we should know that there is history to prove that we need Senators who will stand up for the American people and the Constitution to make sure that that person, once lifetime appointment is granted, will do the right job because he or she is qualified.

Mr. RODRIGUEZ. Mr. Speaker, I want to reinforce the importance that people understand because I know we have heard some people say he is well educated, let us give him a chance. You might say to someone who is going to be elected for 2 years, let us give him a chance. That would be fine. But here is a person we are going to appoint for the rest of his life. It is not a chance. We do not have a chance to come back and take him down, if they are not qualified, if we find something else that they might have responded to or done or whatever. This is the time to do the right thing. These people get appointed for life. They do not have a second chance on this. So as an attorney, I know the gentleman recognizes that fully.

I also wanted to share that I got a letter that is signed by about 15 presidents of the Hispanic National Bar Association.

Mr. BECERRA. Hispanic presidents. Correct.

Mr. RODRIGUEZ. Fifteen members. Not just one, 15 past presidents of the Hispanic National Bar Association; and in their letter, if I can, let me just read a couple of quotes. It says: ''We the undersigned past presidents of the Hispanic National Bar Association write in strong opposition to the nomination of Miguel A. Estrada for the judgeship on the Court of Appeals in the District of Columbia.

''Since the Hispanic National Bar Association, establishment in 1972, promoting civil rights and advocating for judicial appointments of qualified Hispanic Americans throughout our Nation have been our fundamental concerns. Over the years we have had a proven and respected record of endorsing,'' and I say again, ''of endorsing'' and also ''not endorsing or rejecting nominees on a nonpartisan basis of both Republican and Democratic Presidents.''

This is a group that has been both Democrat and Republican; and they go on to talk about their criteria, and they do a very good job of how they evaluate the nominee. And the gentleman's being an attorney, he probably understands some of this. Then they finally at the end say: ''Based upon our review and understanding of the totality of Mr. Estrada's record and life's experiences, we believe that there are more than enough reasons to conclude that Mr. Estrada's candidacy falls short in these respect. We believe that for many reasons including his virtually nonexistent written record, his verbally expressed and 'nonreputed' extreme views, his lack of judicial or academic teaching experience (against which his fairness, reasoning skills and judicial philosophy could be properly tested), his poor judicial temperament,'' of which we experienced personally, ''his total lack of any connection whatsoever to, or lack of demonstrated interest in the Hispanic community, his refusals to answer even the most basic questions about civil rights and constitutional law,'' and they go on, ''his less than candid responses to other straightforward questions of Senate Judiciary Committee members, and because of the administration's refusal to provide the Judiciary Committee the additional information and cooperation . . . ''

So it seems like the administration is kind of deliberately putting him on the front, knowing full well that there were concerns with this candidate; yet they chose to bring him forward, and we wonder why when my understanding is that the Senate has looked at over 100 candidates and they have all been approved. This is the first one that we have decided we are not going to approve because we do not have the right information.

Mr. BECERRA. Mr. Speaker, what the gentleman from Texas (Mr. RODRIGUEZ) is pointing out, I think, so very well is that no one wants to get up

and speak out against a nomination of an individual whom the President puts forward if we do not have to because we want to give respect to the decisions of the executive to move forward, but we have to do something. We have to speak up for what the Constitution stood for. And as someone who, as I said before, would love to see a diverse America reflected in its judiciary as well, it pains me, but we are acting now not as Hispanics. We are acting now not as Latinos. We are acting now not as minorities. We are acting as Members of Congress, the 435 of us in the House and 100 in the Senate, with the responsibility to act for the entire American public of some 280 million people.

Those 280 million people depend on us to make the right decisions, and it is not just for the 37 million Latinos in this country. It is not just for those who are immigrants. It is for everyone. And I would hate to see the day come when we believe that simply because the person is nominated by the President or the person looks or sounds a particular way that we will act a certain way. We have to be prepared on issues that require constitutional confirmation, that we move forward deliberatively, that we have all the information that the public would want to have. No one back home, whether in the gentleman's district in Texas, my district in California, or any other district in this Nation, no one would go and look for an attorney or a doctor or a dentist or an accountant not knowing anything about the person's background. One would not have surgery by some doctor one has never met and know nothing about. One would not give an important case to an attorney that one knew nothing about, that one met on the street. One would not go to a dentist to pull out his wisdom teeth if they had no way of knowing that this person would do a decent job, and someone is not going to send their kids to any school without having some idea of what kind of education their child can receive.

And the same applies in the case of the courts of the United States for lifetime appointments. This controversial nominee should not expect that the American public will let his name move forward without knowing something about him; and when we have that information, then we can make some decisions. And I believe that there must be something he is hiding because for him not to come forward with it, if he is so qualified, he is so prepared, then he is holding himself up. As we say in Spanish, es una hoja en blanco, he is a blank page. Es su pior enemigo, he is his worst enemy, because it is he and the White House who have placed him in this predicament; and it is only he and the White House who can remove him from this predicament, and by goodness I hope that sooner or later they recognize that there are Senators who determined to fulfill their obligation to make sure that we have the most qualified people serving on our judicial bench, and I hope they will continue that; and we are going to stand here day after day in vigil to make sure that we get across to the American public what is at stake here, not as Hispanics, not as minorities, but as Americans who are fighting to make sure that the best people are going to make those decision on those courts for all of us.

Mr. RODRIGUEZ. Mr. Speaker, I know the gentleman from California (Mr. BECERRA) is also from L.A., and I wanted to also mention to him that one of the leading organizations that is stationed there as an office in Los Angeles is MALDEF, the Mexican American Legal Defense and Education Fund, and they have openly come out in opposition also of the nomination of Miguel Estrada, and I know the president and general counsel of MALDEF, the Mexican American Legal Defense and Education Fund, Antonia Hernandez, has strongly opposed the nomination; and I know that she has written letters on their behalf, and this is a well-respected organization within the Hispanic community throughout this country that when it comes to the legal area, the gentleman's being an attorney understands that they have been there on the forefront for our issues that confront us, and one of the things that I know concerned us when we did the evaluation was that here we had a candidate who was not willing to come forward and respond to the questions, and in some cases I kind of felt whether the person was either naive about our history as a community, as a Latino community in this country.

There is a history that has been out there, a history that depicted the struggle of Latinos in this country as we have confronted the issues of bilingual education, for example, that has been so important in our schools, and when we asked him whether he was aware or not of the Lau v. Nichols, I am not an attorney, but I know about Lau v. Nichols because it is a decision that has had a tremendous impact on the Hispanic community in this country because it is about bilingual education.

□ 2230

He was either naive about the law or chose not to respond in reference to the law.

So that really kind of concerned me, that he was not willing to come forward on that basic law that has meant so much to us. If someone, whether they be Anglo or Hispanic or whoever, if they have no history in terms of the importance of the struggles of African Americans in this country, the struggles of Hispanics in this country, the struggles of women in this country, what kind of judge are we going to be having?

So I think it is important, if nothing else, in terms of hearing whether there is even an understanding that there has been a struggle out there, whether he has any history or understanding of what has occurred in the past, that has bothered me when we asked those questions.

Mr. BECERRA. In pointing out that the Mexican American Legal Defense and Educational Fund has taken an explicit position against him, the gentleman from Texas (Mr. RODRIGUEZ) is absolutely right, that MALDEF has been at the forefront of issues affecting Latinos, and if anyone understands what the courts have meant to minorities and to the Hispanic community specifically, it is MALDEF; and having, I assume, tried to piece together whatever information they could get about this controversial nominee, the Mexican American Legal Defense and Educational Fund has taken a position opposed to this controversial nominee.

I, with great respect, listened to what MALDEF says because they have been at the forefront. The gentleman mentioned Lau v. Nichols; Plyler v. Doe, which dealt with education, the basic right of education; Bakke v. U.C. Board of Reagents, which dealt with diversity in our universities and colleges; MALDEF, they are at each one of those cases.

We need to know. What will happen when we have a court that is very divided on choice for women, where one vote could turn the situation in America on the Supreme Court, where we are right now debating whether there will be diversity in our institutions of higher learning before the United States Supreme Court? All of these things matter. The decisions made by the Senate to confirm or not an individual matter, because they will have an impact.

So before the decision is made, before the vote is cast, before the confirmation occurs, the Senate and the American public are entitled to know who this phantom nominee is.

Controversial nominees go the way of controversy, and in America I hope that means that they will not prevail. Controversy is not the way this democracy has operated. We try to come together as a people.

I believe that we have an opportunity to come together as a people and have the President put before the Senate individuals of full qualification who have the preparation to serve on our courts, the highest courts of the land.

I believe that we still can resolve this in a way that will be constructive for all. But let there be no mistake; there should be no give on this issue by any Senator, there should be no give by any American in this country, to the standards set forth by the Constitution more than 200 years ago. Those standards have served us well and we should continue in that vein.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEAUPREZ). Members are reminded to be very cautious, once again, about urging action by the Senate.

Mr. BECERRA. Mr. Speaker, I want to thank the gentleman from Texas

(Mr. RODRIGUEZ) for having yielded me so much time. I believe this is an important issue.

Perhaps it is cloaked by the many issues that are before us today that are of great importance to the American public. This is one of those issues that in the future would surface if it were a bad decision, and hopefully, if we can deal with this in a good way and make sure that we vote only on those who are forthright and forthcoming in information, that this will be something that in 10 years, in 20 years, in 100 years will not come back and bite us anywhere on our body, because what we do not want to see is that we diminish the standards that we use to place people in lifetime positions on the courts of the Federal Government. That is an important task.

I appreciate that the gentleman has taken the time to call for this special order.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman very much. Nothing would be worse than to set a very negative precedent, where a person would be confirmed without having to respond to the questions that have come before them. Nothing would be more harmful to the Constitution, that allows the opportunity for the Senate to review nominees, than for them to go without asking for those questions to be asked.

Tonight I want to thank everyone for allowing us this opportunity, and I want to thank the Senate and those organizations throughout this country, the past presidents of LULAC who have also gone in opposition, as well as many other organizations throughout.

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order.

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

There was no objection.

THE NEED FOR FURTHER UNITED NATIONS ACTION ON IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to lay on the record information that needs to be brought to the attention of this body and every American as we struggle with the current crisis involving our relationship with Iraq.

We have seen a lot of information, in the media, a lot of public protests, both against and for action that this country might need to take, but there has been one major part of the debate that has been missing.

As we talk about Saddam Hussein and the need for him to abide by the agreement that he reached with the U.N. And the U.N. Security Council 12 years ago, as we discuss the fact that the U.N. inspectors have not yet been able to determine that he in fact has taken apart his weapons of mass destruction, there is in fact one set of facts, Mr. Speaker, that are obvious, that are documented, and that need action.

It is for this reason that I rise this evening to present to this body, our colleagues, our country and the world, the facts that will support a resolution that I will introduce in this body on Thursday of this week, a bipartisan resolution, with the gentleman from Maryland (Mr. CARDIN) and the gentleman from Maryland (Mr. HOYER), and a whole host of other Democrats and Republicans, that calls for the President to require and request the U.N. to convene a special war crimes tribunal to hold Saddam Hussein accountable for the egregious acts against human beings that he has perpetrated over the past 20 years.

Mr. Speaker, it is certainly time that the world holds Saddam Hussein accountable.

Mr. Speaker, the facts are all over the place. They have been documented by human rights groups, by Amnesty International, by agencies of the U.N. and the U.S. Government, and by other nations around the world. In fact, there have been specific actions taken by the U.N. The United States budget in fiscal year 2001 and 2002 contributed $4 million to a special U.N. Iraqi War Crimes Commission to document the evidence, some of which I am going to put out this evening.

The United Nations Security Council and the Commission on Human Rights have repeatedly condemned Iraq's human rights record. On April 19, 2002, the United Nations Commission on Human Rights passed a resolution drawing attention to ''the systematic widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror.''

In fact, the United Nations Security Council Resolution 674 called on all states to provide information on Iraq's war-related activities and atrocities to the U.N.

Mr. Speaker, it is amazing to me as we heard Americans, especially those coming from Hollywood, recently on our national media outlets, praising and defending Saddam Hussein as a man who can be trusted, as someone who will do the right thing if just given the right amount of time.

It is amazing to me that this country went to war just a few short years ago, pushed very aggressively by France and Germany, to remove Milosevic from power in Yugoslavia because he was allegedly committing war crimes.

Now, Mr. Speaker, I am no fan of Milosevic. In fact, I think he is where he belongs, in the Hague before a war crimes tribunal. But, Mr. Speaker, tonight I am going to lay out the evidence that will make the case that Saddam Hussein makes Milosevic look like a common street criminal. In fact, I am not the only one that feels this way, Mr. Speaker.

Let me quote from a recent op-ed that ran this past Sunday, written by Richard Holbrooke. Now, Richard Holbrooke was the U.S. Ambassador to the United Nations under President Bill Clinton. Let me quote from Mr. Holbrooke's op-ed that ran nationwide this past weekend.

''When one considers that Saddam Hussein is far worse than Slobodan Milosevic and that Iraq has left a long trail of violated Security Council resolutions while there were none in Kosovo.'' So Richard Holbrooke, the U.N. Ambassador under President Clinton, has publicly acknowledged as recently as this past week that, in his opinion, Saddam Hussein is far worse than Slobodan Milosevic.

This country went to war to oust Slobodan Milosevic. This country murdered innocent Serbs with bombs to oust Slobodan Milosevic. And who pushed this country? France and Germany, because the French and Germans were concerned that Milosevic was in their neighborhood.

In fact, Mr. Speaker, in a quote from a book just recently released, The Threatening Storm, by the expert on Iraq during the Clinton administration in both the CIA and the Security Council, Ken Pollack, one section documents the Saddam Hussein regime in Iraq, and I want to quote from this book, which I think every Member of this body should read. It is page 122, discussing the Iraqi state and security. Again, this individual, Ken Pollack, is an acknowledged intelligence expert on Iraq. This is what he said:

''Max Van der Stoel, the former United Nations Special Rapporteur for Human Rights in Iraq, told the United Nations that the brutality of the Iraqi regime was of an exceptionally grave character, so grave that it has few parallels in the years that have passed since the Second World War.''

In other words, Mr. Speaker, that the Saddam Hussein regime has not been equaled since Adolf Hitler. Not Slobodan Milosevic, who the Germans and French supported militarily to remove, but not since Adolph Hitler.

Let me continue. ''Indeed, it is to comparisons with the obscenity of the Holocaust and Stalin's mass murders that observers are inevitably drawn when confronted with the horrors of Saddam's Iraq. Saddam's Iraq is a state that employs arbitrary execution, imprisonment and torture on a comprehensive and routine basis.''

A full catalogue is not yet totally available, but tonight we are going to put on the record, Mr. Speaker, the examples that are available.

Let me read again some from Ken Pollack's account, and these are not the most pleasant facts, but they are facts, Mr. Speaker.

''This is a regime that will gouge out the eyes of children to force confessions from their parents and grandparents. This is a regime that will crush all the bones in the feet of a 2-year-old girl to force her mother to divulge her father's whereabouts. This is a regime that will hold a nursing baby at arm's length from its mother and allow the child to starve to death to force the mother to confess. This is a regime that will burn a person's limbs off to force him to confess or comply, a regime that will slowly lower its victims into huge vats of acid, either to break their will or simply as a means of execution. This is a regime that applies electric shocks to the bodies of its victims, particularly their genitals, with great regularity. This a regime that in 2000 decreed that the crime of criticizing the regime, which can be as harmless as suggesting that Saddam's clothing did not match, would be punished by cutting out the offender's tongue.

□ 2245

A regime that practices systematic rape against its female victims. A regime that dragged in a man's wife, daughter, and female relative and repeatedly raped her in front of him. A regime that forced a white-hot metal rod into a person's anus or other orifices. A regime that employs thallium poisoning, widely considered one of the most excruciating ways to die. A regime that beheaded a young mother in the street in front of her house and children because her husband was suspected of opposing the regime. A regime that used chemical warfare on its own Kurdish citizens, not just on the 15,000 that were killed and maimed at Halabja, but on scores of other villages all across Kurdistan. A regime that tested chemical and biological warfare agents on Iranian prisoners of war and used the POWs in controlled experiments to determine the best ways to disperse these agents to inflict the greatest damage.

All of this, Mr. Speaker, I quote, and is from the documentation by Ken Pollack, the intelligence expert on Iraq during the Clinton administration in the book available to everyone in America entitled ''The Threatening Storm.''

But, Mr. Speaker, it is not just Ken Pollack. In fact, the citations and documentations of the violations of human rights by Saddam Hussein are overwhelming and comprehensive. As a member of the Human Rights Caucus in this Congress, I am outraged that there has been no solid vocal outcry, not just from this body and America, but from those countries in Europe, especially Germany and France, who claim to be for the human rights of innocent people.

Let me summarize. The methods of torture, the human rights abuses documented by our special military commission looking into our own POWs that Saddam held against the Geneva Convention that controls the treatment of prisoners. Let me read the documentation in summary.

Americans experienced the following: 21 service members captured during Desert Storm were all covered by the Geneva protections. They were beaten to the rhythm of songs. The beatings were done by led pipes, by clubs, by rifle butts, by rubber hoses, by black jacks and batons, by kicks and punches to the face, neck, ears, prior injuries, genitals and kidneys. Malice to their knees, cat-o'-nine tails, burning of individuals with cigarettes, including the butts being placed into open wounds. Urination on POWs. Genital investigations and harassment to determine if POWs were circumcised as Jews. Mock executions, threatened dismemberment, threatened castration, cattle prod shocking, talkman shocking, electrocuted wires run around a person's head attached to the ears, causing massive convulsions in the jaw, knocking out teeth, sexual abuse, fingernail extraction, person hung by their feet with barbed wire.

Mr. Speaker, these were American citizens, and this is how they were treated by Saddam Hussein in direct violation of the international agreements on caring for prisoners of war. This was not made up, Mr. Speaker. These are documented cases involving America's sons and daughters.

Where is the outcry in America? Where is the outcry in Hollywood and from those experts on TV and the movies who claim to know all about how Americans were treated by this madman in Baghdad? And what about the actions that have been documented by Amnesty International, by all of the major groups that monitor human rights of what Saddam did against the Kuwaitis and the Kurds?

Let me again run through some of those cases that have been documented, including knifings, boring holes in bodies with drills, tongue and ear removal, hammering nails into hands, eye-gouging, inserting broken bottlenecks into rectums, pumping air and gasoline through people through their rectums and other orifices and then igniting the gasoline until the bodies exploded. Pouring acid on skin, forcing detainees to watch the torture, rape and execution of others and relatives, random and unjustified killings, electric shocks to the mouth, forcing women to eat flesh cut from their own body, removal of eye balls, placement of people into rotating washing machines, execution by electric drill, cutting with razors, rubbing salt into wounds, castrations, blow torches, suspension from ceiling fans.

Mr. Speaker, all of these actions are documented and conducted and ordered by Saddam Hussein and those people currently in control in Baghdad.

Where is the outrage, Mr. Speaker? France and Germany, pushing America to go in to remove Milosevic who committed ethnic cleansing; none of the charges against Milosevic at the Hague at this point in time come anywhere near the atrocities that Saddam Hussein has been documented as having committed on a regular and routine basis. There is no shame in those countries, Mr. Speaker, because it is unbelievably a double standard and total hypocrisy.

Let us talk about some of the documented human rights violations within Iraq. Again, these are all documented, Mr. Speaker, documented through extensive files, portions of which I will lay into the RECORD this evening for our colleagues to review. In Iraq, this is what Saddam has done: killing of prison inmates to account for overcrowding. Loss of freedoms of speech, press, assembly, association, religion, movement and due process; arbitrary punishment of death for suspected violations of laws, political disagreements and social actions; beheading of prostitutes and displaying of heads. Iraq is the country with the highest number of disappearances reported to the working group on enforced and involuntary disappearances established by the Commission on Human Rights. Beating of Iraqi soccer players because they lost a game. Refusal to permit visits by human rights monitors. Campaign of murder, summary execution and protracted arbitrary arrests against religious followers of the Shia Muslim population, the Kurds. Harassment and intimidation of relief workers and U.N. personnel, removal of children of unwanted minority groups to get them from cities and regions, and only 48 percent of the supplied medicines and equipment to clinics and hospitals. The rest were in government warehouses overflowing.

This is a man who challenged our President to a debate. What an absolute joke, Mr. Speaker. This man deserves to debate no one. This man deserves to be taken to the Hague and deserves to have a war crimes tribunal convened to lay out all of the charges that have been brought forward against him in a formal way by the U.N., and this resolution we will put into place on Thursday will have this body go on record in asking that that be done.

Let us talk about the chronology of murder of Saddam Hussein, Mr. Speaker, again, all documented. Not documented by the U.S. Government; documented by international groups that monitor human rights, documented by the U.N. special rapporteur for human rights. Let us go through them in a chronological order.

In 1979, the purge of the Baath Party leadership, members were forced to confess to invented crimes and then arbitrarily executed. Family members were held hostage. In 1980, Saddam led the attacks on the Fayli Kurds, removal of the Kurds in Baghdad and the southern cities of Kut, Basra and Hilla. Forced expulsions from homes to Iran. Execution of most captured young males; there was an unknown amount of these young males that were executed. Fourteen tons of captured Iraqi secret police documents, videotapes and pictures provided a character of Iraqi rule over the Kurds that has been matched by no one since the great Holocaust of World War II. In fact, there is enough paperwork to document over 200,000 murders.

Mr. Speaker, where are the French and the Germans who cried to America

to get Milosevic out of power for his ethnic cleansing, when we have documentation through the U.N. and these NGOs that Saddam Hussein has been responsible for the murder of 200,000 people? In 1980, Mr. Speaker, the invasion of Iran, a clear violation of article 2, section 4 of the U.N. charter. Launch of indiscriminate attacks on civilian targets. Use of human shields, physical and mental torture of captives, all documented, on-file offenses. Eight military offensives in 1988. Systematic campaign of extermination and genocide waged against the Kurdish population of northern Iraq. Code name Anfal comes from a Koranic verse that legitimizes the right to plunder women and the property of infidels. During this time there were mass executions and indiscriminate killings of fighters and civilians. There was an order very similar to the Nazi order of ''sturm and nebel'' to proclaim thousands of square kilometers of Kurdistan to be a free-fire zone in which neither human nor animal life was to remain.

Saddam during that time used chemical weapons and poison gas. He forced resettlement. He destroyed between 1,000 and 2,000 villages. The estimated killings during that period was between 50,000 and 100,000; but it may be as high as 182,000 people. There were 16,496 reported disappearances in 1988.

Mr. Speaker, I cannot hear the French and the Germans. Where is their outrage, Mr. Speaker? Are the French so blinded by oil that their principles have gone down the cesspool? Was Slobodan Milosevic so bad that he is in the Hague being tried, but Saddam Hussein who has committed these crimes is not worthy of action by the U.N.?

Let us go on, Mr. Speaker. In 1990, the invasion of Kuwait, Saddam orders to kill any civilian found after curfew or bearing anti-Iraqi slogans on homes. A violation of the clear contravention of article 2, section 4 of the U.N. charter. Systematic torture as a method of extracting information. Holding thousands of foreign hostages to dissuade their countries from joining the coalition and used as human shields, including Americans.

In 1991, the invasion in March, attacks on civilians following a cease-fire in the cities of Basra, Najaf, Karbala; massive executions, bombarding residential areas, destroying religious shrines. And how about other actions before 2000, Mr. Speaker? Mass executions in a grave in Burjesiyya, a district near Zubair south of Basra, torturing and extended detentions preceding the deaths due to suspicion of political demonstrations. In April 14, 1999, 56 detainees charged with treason who were executed at Abu Ghraib on August 10 of 1999; 26 prisoners were executed at Abu Gharaib prison. March of 1999, the bombarding of residential areas of tribes by an armored division number 6 in Basra, Al-Ghameigh, Bail Wafi and Bait Sayed Noor. January, February, 1999, destruction of 52 houses of political opponents with bulldozers in Basra, nine in Jamhuriyah, five in Al-Zubier, seven in Al-Karmah, 12 in Abo Al-Khaseib, and five in Al-Tanumah. July 20, 1999, demolished six houses in Thawra after the detention of their entire families.

□ 2300

But here is a man, Mr. Speaker, who has a family of human rights abusers of the worst possible kind. It is not just Saddam.

His son, Udai Hussein, created the Saddam's martyrs, who go around, 30,000, dressed in black, and they are known for executing and doing gruesome public spectacles of killing the President's critics. In fact, he is known, when there is a sporting loss, for torturing and in some cases killing the athletes because they have not been successful. His group has also been known to abduct women from the streets.

Qusai Hussein, the deputy for his father's military security and intelligence, heads Amn al-Khass, and they have also conducted outrages against innocent people.

Finally, Lieutenant General Hussein Kamal Hassan al-Majid, is known as ''Chemical Ali'' for his brutality against the Kurds, especially for his use of weapons procurement and weapons of mass destruction, and being able to sneak in those supplies that the U.N. has prohibited.

This individual defected. He returned to Iraq after having received a pardon. What happened? Saddam murdered him and he murdered his family, his own blood relatives.

Mr. Speaker, we have people in this country and we have people in France, we have Jacques Chirac, saying we should trust Saddam Hussein, just give him time. Mr. Speaker, it is time to lay the facts on the table. It is time to hold Saddam Hussein accountable.

Whether one is for military action or against it, this resolution does not discuss that. Whether one supports Iraq, whether one disagrees and does not support Iraq, whether one thinks there should be more time, 2 months, 5 months, 12 years, it does not apply to this resolution. This resolution simply says that we must hold this regime responsible for the crimes they have committed against humanity.

Mr. Speaker, I call upon my colleagues to hold this man accountable, at least equal to the way we are holding Slobodan Milosevic accountable.

Mr. Speaker, just a few short years ago there were claims from the administration that there would be mass graves that we would find in Serbia containing perhaps millions of bodies. Well, several years after the fact, the truth did not quite bear that out. That is not to lessen the atrocities of Milosevic; he is a war criminal, make no mistake about it. But there was a gross exaggeration of what he had done, even though the crimes he committed were outrageous. He is being held accountable for those crimes right now at the Hague, in a trial that has been going on for almost a year.

Mr. Speaker, the French and the Germans, where were they in this case? They were pushing America: Get your troops over here, America. Get this man out of power. He is a brutal dictator. He has committed ethnic cleansing. Help us rid Europe of him because of the crimes he has committed against humanity. In the words of Richard Holbrooke, who was our U.N. Ambassador during the nineties under Bill Clinton, Slobodan Milosevic does not come anywhere near Saddam Hussein in terms of committing war crimes.

Mr. Speaker, do I detect a double standard here? Do the French think that Milosevic is worse than Saddam? The U.N. does not think so. Are the French denying the facts of the U.N. special rapporteur? Are the French and Germans not realizing the gross atrocities that have occurred against human beings, or do they not want to admit to what occurred?

Let me go through some more evidence, Mr. Speaker. I take this information from the Report on Iraqi War Crimes prepared under the auspices of the U.S. Army. This was released on March 19, 1993, as a result of an intense investigation of our own citizens who were captured by Saddam. These are specific cases. Americans and members of this body can ask for the documentation of these cases and they can get them.

POW number 1, file number 176.1. Our own Americans were exhibited as war prizes. They were urinated on. They were beaten constantly, including to the rhythm of a song on a radio.

POW number 2, file number 176.2. He was abandoned by his captors in spite of having a broken leg. In fact, they put an Arab headdress on him.

POW number 3, file number 176.3. Saddam's troops beat and kicked him while being transported; punched him in the face; hit him in the head with a rifle; kicked him in a circle, and injured his leg; beaten severely with a lead pipe; and from the guards' boots smeared on the face. He had multiple cigarette burns all over his body from Saddam's leaders.

POW number 4, file number 176.4, American POW. Dragged by the hair, kicked by the captors, sexually molested during transport, slapped and spat upon, threatened with death. That was a female, Mr. Speaker.

Where are those in America expressing outrage at what this man ordered to be done to our citizens?

POW number 7, file number 176.7. Karate-chopped, forced to make a videotape.

POW number 9, beaten with fists, batons, rifle butts; kicked in the head and legs broken; beaten to the rhythm of a song; knocked unconscious many times; forced to make a videotape; beaten in the stomach and back with club, resulting in long-term pain to his kidneys; eye injuries from his beatings.

Mr. Speaker, these are actions documented by Saddam Hussein against American citizens. We have Saddam Hussein now on international TV proclaiming he is for peace, he is against war. Mr. Speaker, cut me a break. Are we that naive? Are we that short of our memory that we do not understand what this man has done over the past 20 years?

Let me go through some more examples, Mr. Speaker.

As we know, in capturing a prisoner-of-war, the only thing a prisoner has to do is to state their surname, first and last name and rank, their date of birth, and their army or unit that they are involved with. That is all they have to give under the special protections under the Geneva Convention. That is it.

In the case of our POWs, Saddam consistently, along with his military, grossly abused their rights and tortured them. In fact, he forced them to do things that are absolutely sickening to read.

POW number 12, assaulted twice with a cattle prod; beaten with a hard rubber stick while being interrogated by the voice; assaulted with a stun gun; an AK–47 placed against his head and threatened with execution as a war criminal; threatened with dismemberment; shocked with a Talkman; multiple beatings.

POW 13, struck with hands, fists, a wooden club, blackjack, and sticks; punctured his eardrums; loosened his teeth from the beatings; beaten so severely he could not walk and could not stand.

Mr. Speaker, there is a lawsuit that has been filed in the courts of the District of Columbia. The lawyer represents these brave American POWs who are suing Saddam and Iraq because of what he did to them. Is America going to stand behind these brave young people? Are we going to stand up and hold Saddam accountable for what he did, or can they only sue civilly in a court, as documented by this lawsuit?

Mr. Speaker, I am going to ask special permission to have texts of this lawsuit entered into the RECORD, even though it will cost extra money, because I want every one of our colleagues and every American to understand the facts of what was done to our citizens by Saddam Hussein and by his evil subordinates in his military.

Let us go on to Article 32, documented by the Army also back in 1993, the specifics of some of which I mentioned already.

Iraq's violation and Saddam's violations of Article 27 and 32, which were absolutely outrageous: torturing Kuwaiti nationals. Widespread and barbaric actions, such as beatings on all parts of the body with various implements; beating people while they were suspended in air; hanging with cables; breaking appendages; knifings; extracting their finger- and toenails; boring holes in their body with drills; cutting off their tongues and ears; cutting off their body parts with saws; gouging out their eyes; castrations; hammering nails into their hands; shootings; rapes; inserting broken bottlenecks into their rectums; pumping air or gasoline into their orifices; pouring acid on their skin; Asian and Kuwaiti women routinely raped by Iraqi soldiers; all of this documented by the official commission of our Army and sent to the U.N. for further action.

How about some specific cases, Mr. Speaker, that were also filed with the U.N. that took place in Kuwait City?

□ 2310

This Kuwaiti citizen file number 66.01015 was arrested by the Iraqis at his home on the 23rd of December 1990 and held until mid-December. During his captivity he received repeated beatings and electric shocks to his mouth, nose and genitalia. He was suspended from the ceiling and subjected to mock executions. He witnessed the torture of other Kuwaitis by techniques which included forced ingestion of gas causing abdominal pains, forcing a woman to eat flesh cut from her own body, an execution by ax, removal of eyeballs, dismemberment, burning with a hot iron, execution by electric drill, and placement of a person into a large rotating washing machine.

Mr. Speaker, we are not dealing with a human being. We are dealing with an animal. We are not dealing with a person that we can have some feeling of a moral authority. This man is the lowest of the low, Mr. Speaker. It has all been documented through thousands of pieces of information assembled by nonprofit organizations, organizations concerned with human rights violations by governments around the world and by the U.N. itself. It has been documented. It is time to hold him accountable.

Mr. Speaker, here is a man, with all the documentation we have, who some people say we should trust. If you listen to Jacques Chirac, whose country has millions of dollars of oil contracts with Saddam Hussein and who himself is a personal friend of Saddam's, we should trust this man. Shame on Jacques Chirac. Mr. Speaker, shame on Jacques Chirac. By defending someone like Saddam Hussein, by not having his government take action to hold this man accountable, he has no moral authority. In fact, in my opinion he has no credibility.

Our government, Mr. Speaker, can do the right thing. Members on both sides of the aisle have introduced resolutions in the past 10 years. The Senate has voted on a resolution in the past 10 years. One of my Democrat colleagues offered a resolution, has an amendment in the Committee on International Relations just recently holding Saddam accountable.

This body has repeatedly publicly called on the U.N. to hold Saddam accountable, and I think we should do it again, Mr. Speaker. And so, therefore, this Thursday I will introduce along with colleagues from both sides of the aisle, there are already over 25 co-sponsors, and I urge all of my colleagues to sign on to a resolution to ask our President to appeal to the U.N. to convene a special war crimes tribunal against Saddam Hussein.

Mr. Speaker, we did that for Milosevic, and he is today being tried for those crimes he committed against innocent people in the former Yugoslavia. Innocent Kosovars, innocent Serbs, innocent Montenegroans, innocent people that Milosevic thought he could abuse. He deserves the full weight of the punishment meted out by that special tribunal.

Is Saddam Hussein any less deserving of a tribunal? Are all of these cases documented by the U.N., by these NGOs, by other governments, should we just discard them and pretend that they do not exist and let Saddam go on as if nothing has happened?

Mr. Speaker, we have not done right by the American people. We talk about the need to deal with Saddam because he has chemical precursors for his weapons of mass destruction, because he has missiles that will go longer than what the U.N. said he could. They are all violations, and they are all material breaches of the agreements that were reached by Saddam and the U.N. 12 years ago. But why, Mr. Speaker, is there not more discussion about this man for the evil person that he is?

The U.N. special rapporteur said, No one has come close to this kind of activity since World War II, since the great Holocaust. No one, Mr. Speaker, including Milosevic. Is the world going to ignore the activities of Saddam Hussein? Are we going to ignore the atrocities he committed against our own people when they were captured? If that is the case, then international agreements mean nothing. The Geneva Convention has no basis. The Helsinki Final Act has no meaning. If we are not going to hold leaders who commit such outrageous acts accountable, then we might as well not have those acts, those agreements existing in the first place.

Mr. Speaker, this body, our body can take action soon, to lay out to the world those who support military action and those who oppose military action, that regardless of whether or not you think war is inevitable, there is one thing that we all can agree on: Saddam Hussein is a war criminal. There is no doubt about that.

Those who understand the facts, those who look at the documents, those who see the evidence understand that this man comes as close to Adolf Hitler and Joseph Stalin as anyone that we have seen in the last several decades.

And so, Mr. Speaker, I appeal to our colleagues to co-sponsor this legislation before I drop it. Our colleagues have that opportunity. Democrats and Republicans are already on. We have over 25 Members and that was in the

first day. I would hope that we would end up with over 300 co-sponsors and send a signal to the world that Saddam Hussein is an unacceptable leader because of his war crimes.

Again, Mr. Speaker, and I know I have said this before, but it really irks me because initially I opposed the Kosovo war, not because I support Milosevic, he is a war criminal, but because I felt that we had not brought Russia in to use their influence to get Milosevic out of power. In fact, Mr. Speaker, I led a delegation to Vienna with five of our Democrat colleagues and five of our Republican colleagues. We took a State Department official. And with the support of our State Department, we flew to Vienna; and for 2 days around the clock working with the leaders of the Russian political factions, we fashioned a statement that called Milosevic a war criminal for his ethnic cleansing. We laid the groundwork with the help of the Russians that became the basis of the G–8 document to end the war 10 days later.

Mr. Speaker, we were prodded into war against Milosevic by the French and the Germans. They were bold back then. They did not want to put their own troops in harm's way without America being there. So we went into Kosovo. America was the number one supplier of the military. There were more American planes than there were any other nation, even though Yugoslavia is not far away from France and Germany. The French and Germans came in after us, but they pushed us the whole way. And why? Because they said Milosevic was a war criminal who had abused people. And they were right. But, Mr. Speaker, so is Saddam Hussein, only a far worse war criminal than Milosevic ever was. Those are not my words. Those are the words of Richard Holbrook, U.N. Ambassador for the United States under President Clinton in an op-ed he wrote this past week. Those are the words of the special rapporteur of the U.N. who said that Saddam Hussein's regime has no equal since World War II.

□ 2320

Mr. Speaker, I would hope that every one of our colleagues would cosponsor the resolution to hold Saddam Hussein accountable for war crimes. It is a very simple resolution and I at this point in time enter that resolution into the RECORD so that all of our citizens, all of our colleagues can see the text, the documents, the actions, that we now request of the United Nations against Saddam Hussein.

H. RES. —

Whereas in 2001 and 2002, the Department of State contributed $4,000,000 to a United Nations Iraq War Crimes Commission, to be used if a United Nations tribunal for Iraqi war crimes is created;

Whereas the United Nations Security Council and the United Nations Commission on Human Rights have repeatedly condemned Iraq's human rights record;

Whereas Iraq continues to ignore United Nations resolutions and its international human rights commitments;

Whereas on April 19, 2002, the United Nations Commission on Human Rights passed a resolution drawing attention to ''the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror'';

Whereas United Nations Security Council Resolution 674 calls on all states or organizations to provide information on Iraq's war-related atrocities to the United Nations;

Whereas Iraq's aggressive pursuit of nuclear, chemical, and biological weapons, and its past use of weapons of mass destruction against its own people and Iraq's neighbors illustrates the danger of allowing Saddam Hussein to go unchallenged;

Whereas torture is used systematically against political detainees in Iraqi prisons and detention centers;

Whereas this regime gouges out the eyes of the victims, crushes all of the bones in their feet, and burns a person's limbs off to force him to confess or comply; and

Whereas citizens of Iraq live in constant fear of being tortured, kidnapped, or killed: Now, therefore, be it

Resolved, That consistent with Section 301 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138), House Concurrent Resolution 137, 105th Congress (approved by the House of Representatives on November 13, 1997), and Senate Concurrent Resolution 78, 105th Congress (approved by the Senate on March 13, 1998), the Congress urges the President to call upon the United Nations to establish an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other criminal violations of international law.

Mr. Speaker, in fact, the resolution which does not have yet a number, lays out the fact that we spent, as I said earlier, $4 million in each of the past 2 years for a special U.N. Iraqi War Crimes Commission. It is already in place, continuing from the 1990s. American tax dollars are being used to support this U.N. effort.

This war crimes commission has, in fact, seen resolutions passed by the Security Council and the Commission on Human Rights as recently as April 19 of 2002, U.N. Security Council Resolution 674, all of which deal with Saddam Hussein's abuses of human rights. This resolution says, and resolves, that consistent with section 301 of the Foreign Relations Authorization Act, the House concurrent resolution and the Senate concurrent resolution, that the Congress urges the President to call upon the United Nations to establish an International Criminal Tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other criminal violations of international law.

Mr. Speaker, we can do no less.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today and February 26 on account of official business.

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today and the balance of the week on account of personal business.

Mr. PETERSON of Minnesota (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

Mr. SNYDER (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

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. RUPPERSBERGER) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. MURPHY) to revise and extend their remarks and include extraneous material:)

Mr. TOM DAVIS of Virginia, for 5 minutes, today.

Mr. OXLEY, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mr. HYDE, for 5 minutes, today.

Mr. RENZI, for 5 minutes, February 26.

Mrs. MUSGRAVE, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, February 26.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. SENSENBRENNER, for 5 minutes, today. (The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

SENATE BILLS REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 151. An act to amend title 18, United States Code, with respect to the sexual exploitation of children, to the Committee on the Judiciary.

S. Con. Res. 4. Concurrent Resolution welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Counsel Resolution 1441; to the Committee on International Relations.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title,

which was thereupon signed by the Speaker:

H.J. Res. 2. Joint resolution making consolidated approbations for the fiscal year ending September 30, 2003, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on February 19, 2003 he presented to the President of the United States, for his approval, the following bill.

H.J. Res. 2. Making consolidated appropriations for the fiscal year ending September 30, 2003, and for other purposes.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 26, 2003, at 1:00 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

706. A communication from the President of the United States, transmitting a report listing the aggregate number, locations, activities, and lengths of assignments for all temporary and permanent U.S. military and civilians involved in Plan Colombia, pursuant to Public Law 106—246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

707. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

708. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Belgium (Transmittal No. DTC 004-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

709. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the United Arab Emirates (Transmittal No. DTC 213-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

710. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period December 1, 2002 through January 31, 2003, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

711. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Affirmative Employment Program Accomplishments Report for the period of September 30, 2001 to September 30, 2002, pursuant to 22 U.S.C. 3905(d)(2); to the Committee on Government Reform.

712. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-570, ''Exclusive Right Agreement Time Period Temporary Amendment Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

713. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-569, ''Disposal of District Owned Surplus Real Property Temporary Amendment Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

714. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-568, ''Insurance Compliance Self-Evaluation Privilege Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

715. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-490, ''Carl Wilson Basketball Court Designation Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

716. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-571, ''Health Organizations RBC Amendment Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

717. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-572, ''Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

718. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-573, ''Investments of Insurers Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

719. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-575, ''Surname Choice Amendment Act of 2002''received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

720. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-574, ''Housing Production Trust Fund Affordability Period Temporary Amendment Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

721. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-576, ''Draft Master Plan for Public Reservation 13 Approval Act of 2002'' received February 25, 2003, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

722. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting copies of the inventories of commercial positions in the Department of Transportation; to the Committee on Government Reform.

723. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the ''EPA's Inventory of Commercial Activities''; to the Committee on Government Reform.

724. A letter from the Chair, United States Sentencing Commission, transmitting a report entitled, ''Increased Penalties Under The Sarbanes-Oxley Act of 2002,'' pursuant to Public Law 107—204, section 1104(a)(3); to the Committee on the Judiciary.

725. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205A, 205A-1, 205B, 212, 412, 412EP, and 412CF Helicopters [Docket No. 2001-SW-37-AD; Amendment 39-12737; AD 2002-09-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

726. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 727c, 727-100, 727-100C, 727-200, and 727-200F Series Airplanes [Docket No. 99-NM-105-AD; Amendment 39-12703; AD 2002-07-09] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

727. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A Helicopters; Correction [Docket No. 2000-SW-46-AD; Amendment 39-12674; AD 2002-05-06] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 and 701) Series Airplanes [Docket No. 2002-NM-99-AD; Amendment 39-12731; AD 2002-08-19] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, and AS355N Helicopters; Correction [Docket No. 2001-SW-20-AD; Amendment 39-12680; AD 2002-06-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A Helicopters; Correction [Docket No. 2000-SW-46-AD; Amendment 39-12674; AD 2002-05-06] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters [Docket No. 2002-SW-04-AD; Amendment 39-12736; AD 2002-09-03] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Enstrom Helicopter Corporation Model F-28, F-28A, F-28C, F28F, 280, 280C, 280F, and 280FX Helicopters [Docket No. 2001-SW-67-AD; Amendment 39-12710; AD 2002-08-03] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2002-SW-08-AD; Amendment 39-12711; AD 2002-06-52] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA341G, SA342J, and SA-360C Helicopters [Docket No. 2001-SW-72-AD; Amendment 39-12725; AD 2002-08-16] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

735. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schweizer Aircraft Corporation Model 269A, 269A-1, 269B, 269C, and TH-55A Helicopters [Docket No. 2001-SW-58-AD; Amendment 39-12726; AD 2001-25-52] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

736. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines [Docket No. 98-ANE-43-AD; Amendment 39-12797; AD 2002-13-09] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

737. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. [Docket No. 2002-NM-129-AD; Amendment39-12823; AD 2002-14-23] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

738. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2002-NM-33-AD; Amendment 39-12815; AD 2002-14-15] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

739. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors; Correction [Docket No. 2000-NE-19-AD; Amendment 39-12792; AD 2002-13-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

740. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines; Correction [Docket No. 98-ANE-43-AD; Amendment 39-12797; AD 2002-13-09] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

741. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier-Rotax GmbH Type 912 F and 914 F Series Reciprocating Engines [Docket No. 2002-NE-08-AD; Amendment 39-12865; AD 2002-16-26] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

742. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier-Rotax GmbH 912 F and 912 S Series Reciprocating Engines [Docket No. 2002-NE-18-AD; Amendment 39-12889; AD 2002-19-09] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

743. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop and TSE331-3U Series Turboshaft Engines [Docket No. 99-NE-53-AD; Amendment 39-12922; AD 2002-21-15] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

744. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -300 Series Airplanes [Docket No. 2000-NM-392-AD; Amendment 39-12921; AD 2002-21-14] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

745. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Limited, Aero Division-Bristol, S.N.E.C.M.A. Olympus 593 Mk. 610-14-28 Turbojet Engines [Docket No. 2002-NE-30-AD; Amendment 39-12981; AD 2002-25-06] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

746. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701) Series Airplanes [Docket No. 2002-NM-269-AD; Amendment 39-12995; AD 2002-26-07] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

747. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes [Docket No. 2002-CE-31-AD; Amendment 39-12973; AD 2002-24-08] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

748. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Britten-Norman Limited BN2T and BN2T-4R Series Airplanes [Docket No. 2002-CE-34-AD; Amendment 39-12974; AD 2002-24-09] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

749. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters [Docket No. 2002-SW-50-AD; Amendment 39-12975; AD 2002-22-51] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

750. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MT-Propeller Entwicklung GMBH Models MTV-9-B-C and MTV-3-B-C Propellers; Correction [Docket No. 99-NE-35-AD; Amendment 39-12953; AD 2002-23-09] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

751. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; and C-9 (Military) Airplanes [Docket No. 99-NM-287-AD; Amendment 39-12979; AD 2002-25-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

752. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 2002-NM-293-AD; Amendment 39-12994; AD 2002-26-06] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

753. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2002-NM-271-AD; Amendment 39-12970; AD 2002-24-05] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

754. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Britten-Norman Limited BN-2 and BN2A Mk. III Series Airplanes [Docket No. 2002-CE-35-AD; Amendment 39-12980; AD 2002-25-05] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

755. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, 700C, -800, and -900 Series Airplanes; Model 747 Series Airplanes; and Model 757 Series Airplanes [Docket No. 2002-NM-309-AD; Amendment 39-12992; AD 2002-24-51] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

756. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, -400, -400D, and -400F Series Airplanes [Docket No. 2002-NM-314-AD; Amendment 39-12993; AD 2002-24-52] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

757. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-502A, AT-502B, and AT-503A Airplanes [Docket No. 2002-CE-54-AD; Amendment 39-12991; AD 2002-26-05] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

758. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), (DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 2002-NM-216-AD; Amendment 39-12912; AD 2002-21-06] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

759. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Limited,

Aero Division-Bristol, S.N.E.C.M.A. Olympus 593 Mk. 610-14-28 Turbojet Engines [Docket No. 2002-NE-28-AD; Amendment 39-12956; AD 2002-23-12] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

760. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Limited., Aero Division-Bristol, S.N.E.C.M.A. Olympus 593 Mk. 610-14-28 Turbojet Engines [Docket No. 2002-NE-29-AD; Amendment 39-12990; AD 2002-26-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

761. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule -Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2002-NM-348-AD; Amendment 39-13008; AD 2002-26-51] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

762. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines, Correction [Docket No. 2000-NE-47-AD; Amendment 39-12916' AD 2002-21-10] RIN: 2120-AA64 received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

763. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-8C1 Turbofan Engines, Correction [Docket No. 2002-NE-13-AD; Amendment 39-12946; AD 2002-23-02] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

764. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters [Docket No. 2002-SW-48-AD; Amendment 39-12982; AD 2002-21-51] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

765. A letter from the Secretary, Department of Health and Human Services, transmitting the fifth annual report on the Temporary Assistance for Needy Families (TANF) program; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 13. A bill to reauthorize the Museum an Library Services Act, and for other purposes (Rept. 108–16). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 254. A bill to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes (Rept. 108–17). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 534. A bill to amend title 18, United States Code, to prohibit human cloning (Rept. 108–18). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 657. A bill to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission (Rept. 108–19). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BALLENGER (for himself and Mr. DELAHUNT):

H.R. 868. A bill to amend section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 to require that certain claims for expropriation by the Government of Nicaragua meet certain requirements for purposes of the prohibition on foreign assistance to that government; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 869. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for host families of foreign exchange and other students from $50 per month to $200 per month; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mr. LEVIN, Mr. MCCRERY, Mr. NEAL of Massachusetts, Mr. ROGERS of Michigan, Mr. BECERRA, Mr. ENGLISH, Mr. DOGGETT, Mr. LEWIS of Kentucky, Mr. PALLONE, and Mr. HAYWORTH):

H.R. 870. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain motor vehicle dealer transitional assistance; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself and Mr. MORAN of Kansas):

H.R. 871. A bill to amend the National Highway System Designation Act of 1995 concerning the applicability of hours of service requirements to drivers operating commercial motor vehicles transporting agricultural commodities and farm supplies; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. KENNEDY of Minnesota, Mr. PITTS, Mr. SCHROCK, Mr. BARTLETT of Maryland, Mr. ENGLISH, Mr. ISAKSON, and Mr. GOODE):

H.R. 872. A bill to amend the Internal Revenue Code of 1986 to clarify that church employees are eligible for the exclusion for qualified tuition reduction programs of charitable educational organizations; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself and Mr. STRICKLAND):

H.R. 873. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to raise awareness of eating disorders and to create educational programs concerning the same, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. QUINN, Ms. CORRINE BROWN of Florida, Mr. GARY G. MILLER of California, and Mr. BURGESS):

H.R. 874. A bill to establish a program, coordinated by the National Transportation Safety Board, of assistance to families of passengers involved in rail passenger accidents; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska (for himself, Mr. BURGESS, Mr. ISAKSON, Mr. GRAVES, Mr. OBERSTAR, Mr. LIPINSKI, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SIMMONS, Mr. GARY G. MILLER of California, and Mr. PETRI):

H.R. 875. A bill to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Kansas (for himself, Mr. CAMP, and Mr. RAMSTAD):

H.R. 876. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for expenditures for the maintenance of railroad tracks of Class II and Class III railroads; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. STARK, Mr. THOMAS, Mr. CAMP, Mr. LEWIS of Kentucky, Mr. MCINNIS, Mr. HOUGHTON, Mr. HERGER, Mr. WELLER, Mr. SMITH of New Jersey, Mr. ENGLISH, and Mr. PETERSON of Pennsylvania):

H.R. 877. A bill to amend title XI of the Social Security Act to improve patient safety; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. HOUGHTON, Mr. CAMP, Mr. LEWIS of Kentucky, Mr. HAYWORTH, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mr. RAMSTAD, Mr. CANTOR, Mr. ENGLISH, and Mr. CRANE):

H.R. 878. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 879. A bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. FARR, Mr. ALLEN, Ms. SOLIS, Mr. BLUMENAUER, Mrs. DAVIS of California, Mr. BROWN of Ohio, Ms. WOOLSEY, Mr. SCHIFF, Mr. TOWNS, Mr. ENGEL, Mr. THOMPSON of California, Ms. NORTON, Ms. MCCARTHY of Missouri, Mr. SANDERS, Ms. LEE, Mr. STARK, and Mr. GRIJALVA):

H.R. 880. A bill to amend title 46, United States Code, to accelerate to 2007 the application of the requirement that a tanker that carries oil in bulk as cargo must be equipped

with a double hull, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE (for himself, Mr. SENSENBRENNER, Mr. HYDE, Mr. SMITH of Texas, Mr. GALLEGLY, Mr. GOODLATTE, Mr. CHABOT, Mr. JENKINS, Mr. CANNON, Mr. BACHUS, Mr. HOSTETTLER, Mr. GREEN of Wisconsin, Mr. KELLER, Ms. HART, Mr. FLAKE, Mr. PENCE, Mr. FORBES, Mr. KING of Iowa, Mr. CARTER, Mr. FEENEY, and Mrs. BLACKBURN):

H.R. 881. A bill to disapprove certain sentencing guideline amendments; to the Committee on the Judiciary.

By Mr. ENGLISH:

H.R. 882. A bill to amend the Internal Revenue Code of 1986 to modify the qualified small issue bond provisions; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself and Mr. DEUTSCH):

H.R. 883. A bill to amend title XVIII of the Social Security Act to adjust the fee for collecting specimens for clinical diagnostic laboratory tests under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS:

H.R. 884. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, and 326-K, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. KOLBE, Mr. FRANKS of Arizona, Mr. GRIJALVA, and Mr. PASTOR):

H.R. 885. A bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes; to the Committee on Resources.

By Mr. HOLDEN (for himself, Mr. EVANS, Ms. KAPTUR, Mr. TOWNS, Mr. SANDERS, Mrs. MCCARTHY of New York, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. CARSON of Oklahoma, Mr. FROST, Ms. WOOLSEY, Mr. PAUL, Mr. STRICKLAND, Mrs. MALONEY, Ms. ROS-LEHTINEN, Mr. HEFLEY, Ms. SCHAKOWSKY, Mr. RANGEL, Mrs. JONES of Ohio, and Mr. MCGOVERN):

H.R. 886. A bill to amend title 38, United States Code, to provide for the payment of dependency and indemnity compensation to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of dependency and indemnity compensation to the survivors of former prisoners of war who die after that date; to the Committee on Veterans' Affairs.

By Mr. JEFFERSON (for himself, Mr. PAUL, Mr. KANJORSKI, Mr. TAUZIN, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. DAVIS of Illinois, Mr. CROWLEY, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. HINCHEY, Mr. NEAL of Massachusetts, Mr. GORDON, Mr. MCHUGH, Mr. OBERSTAR, Mr. VITTER, Mr. POMEROY, Mr. SERRANO, Mr. WYNN, Mr. DELAHUNT, Mr. KIND, Mr. FARR, Mr. MOORE, Mr. NADLER, Mr. WAXMAN, Mr. SMITH of Washington, Mr. SNYDER, Mr. CRAMER, Mr. BRADY of Pennsylvania, Mr. JOHN, Mr. ISRAEL, Mr. MEEHAN, Ms. SLAUGHTER, Mr. MCNULTY, Mr. HOLDEN, Mr. UDALL of New Mexico, Mr. RUSH, Mr. MCGOVERN, Mr. CAPUANO, Mr. MCDERMOTT, Mr. BERMAN, Ms. CARSON of Indiana, Ms. BALDWIN, Ms. WOOLSEY, Mrs. MCCARTHY of New York, Mr. BLUMENAUER, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Mr. HOLT, Mr. SANDLIN, Mr. EVANS, Mr. RODRIGUEZ, Mr. BOYD, Mr. DEUTSCH, Mr. SANDERS, Ms. LINDA T. SANCHEZ of California, Mr. FORD, Mrs. CAPPS, Mr. ABERCROMBIE, Mr. BOSWELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL, Mr. LANTOS, Mr. ALEXANDER, Mrs. MALONEY, Mr. ALLEN, Mr. BAKER, Mrs. CHRISTENSEN, Mr. MENENDEZ, Mr. PALLONE, Mr. DOOLEY of California, Mr. MCINTYRE, Mr. KILDEE, Mr. REYES, Mr. KLECZKA, Mr. ORTIZ, Mrs. WILSON of New Mexico, Mr. ROTHMAN, Mr. FOLEY, Mr. MICHAUD, Mr. COSTELLO, Mr. STRICKLAND, Mr. MARKEY, Mr. TOWNS, Mr. TURNER of Texas, Mr. ACKERMAN, Mr. WEINER, Mr. WILSON of South Carolina, Mr. TOOMEY, Mr. DOYLE, Mr. RAHALL, Mr. RANGEL, Mrs. JONES of Ohio, Mr. PICKERING, Mr. PRICE of North Carolina, and Ms. KAPTUR):

H.R. 887. A bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $2,000; to the Committee on Ways and Means.

By Mr. JOHNSON of Illinois:

H.R. 888. A bill to authorize the disinterment from the Luxembourg American Cemetery and Memorial in Luxembourg of the remains of Private Ray A. Morgan, who died in combat in January 1945 in the Battle of the Bulge, and to authorize the transfer of his remains to the custody of his next of kin; to the Committee on Veterans' Affairs.

By Mr. KING of New York:

H.R. 889. A bill to eliminate the backlog in performing DNA analyses of DNA samples collected from convicted child sex offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. LARSON of Connecticut (for himself, Mr. PALLONE, Mr. HEFLEY, Ms. NORTON, Mrs. JONES of Ohio, Mr. LATOURETTE, Mr. GRIJALVA, Mr. CARSON of Oklahoma, Mrs. MUSGRAVE, Mr. RYAN of Ohio, Ms. GINNY BROWN-WAITE of Florida, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. RAHALL, Ms. KILPATRICK, Ms. DELAURO, and Mr. FRANK of Massachusetts):

H.R. 890. A bill to amend title 38, United States Code, to provide for a more equitable geographic allocation of funds appropriated to the Department of Veterans Affairs for medical care; to the Committee on Veterans' Affairs.

By Mrs. MCCARTHY of New York:

H.R. 891. A bill to provide student loan forgiveness to the surviving spouses of the victims of the September 11, 2001, tragedies; to the Committee on Education and the Workforce.

By Mrs. MCCARTHY of New York:

H.R. 892. A bill to amend the Public Health Service Act to require the Director of the National Institutes of Health to expand and intensify research regarding Diamond-Blackfan Anemia; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 893. A bill to provide for the construction and renovation of child care facilities, and for other purposes; to the Committee on Financial Services.

By Mrs. MCCARTHY of New York:

H.R. 894. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries and for women diagnosed with breast cancer; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM (for herself, Ms. BALDWIN, Mr. BERRY, Ms. BORDALLO, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mr. GUTKNECHT, Mr. KIND, Mrs. NAPOLITANO, Mr. SABO, and Mr. GRIJALVA):

H.R. 895. A bill to amend the National Trails System Act to designate the route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico for study for potential addition to the National Trails System as a national scenic trail, national historic trail, or both, and for other purposes; to the Committee on Resources.

By Mr. MCINTYRE (for himself and Mr. HAYES):

H.R. 896. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Resources.

By Mr. MARKEY (for himself, Mr. ISRAEL, and Ms. LEE):

H.R. 897. A bill to establish a task force to evaluate and make recommendations with respect to the security of sealed sources of radioactive materials, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATSUI (for himself, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, and Mr. THOMPSON of California):

H.R. 898. A bill to authorize the Secretary of the Army to carry out a project for flood damage reduction and ecosystem restoration for the American River, Sacramento, California, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NADLER:

H.R. 899. A bill to amend title 18, United States Code, to require persons to obtain a State license before receiving a handgun or handgun ammunition; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 900. A bill to provide incentive funds to States that have in effect a certain law; to the Committee on the Judiciary.

By Mr. OSE (for himself and Mr. DOOLITTLE):

H.R. 901. A bill to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, and for other purposes; to the Committee on Resources.

By Mr. OTTER:

H.R. 902. A bill to authorize the Secretary of Agriculture to convey certain parcels of National Forest System land in the State of Idaho, to use the proceeds for the acquisition, construction, or rehabilitation of facilities in the Panhandle National Forest in the State of Idaho, and for other purposes; to the Committee on Resources.

By Mr. OTTER:

H.R. 903. A bill to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, and for other purposes; to the Committee on Transportation

and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. LOBIONDO):

H.R. 904. A bill to authorize the Secretary of the Interior to establish a program to inventory, evaluate, document, and assist efforts to preserve surviving United States Life-Saving Service stations; to the Committee on Resources.

By Mr. POMEROY (for himself and Mr. HOUGHTON):

H.R. 905. A bill to amend the Internal Revenue Code of 1986 to simplify the application of self-employment tax in the case of family farming businesses; to the Committee on Ways and Means.

By Mr. QUINN (for himself and Mr. RAHALL):

H.R. 906. A bill to amend title 23, United States Code, to improve roadway safety for motor vehicles, bicycles, and pedestrians and workers in proximity to vehicle traffic; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH:

H.R. 907. A bill to direct the Secretary of the Interior to complete a special resource study of the national significance, suitability, and feasibility of establishing Highway 49 in California, known as the ''Golden Chain Highway'', as a National Heritage Corridor; to the Committee on Resources.

By Mr. ROHRABACHER:

H.R. 908. A bill to amend the Immigration and Nationality Act to specify that imprisonment for reentering the United States after removal subsequent to a conviction for a felony shall be under circumstances that stress strenuous work and sparse living conditions, if the alien is convicted of another felony after the reentry; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H.R. 909. A bill to amend title 35, United States Code, to direct the Director of the Patent and Trademark Office to adjust fees charged by the Office so that the fees collected in any fiscal year will equal, to the greatest extent practicable, the amount appropriated to the Office for that fiscal year; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H.R. 910. A bill to provide for the distribution to coastal States and counties of revenues collected under the Outer Continental Shelf Lands Act; to the Committee on Resources.

By Mr. TURNER of Texas:

H.R. 911. A bill to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad; to the Committee on Resources.

By Mr. ROHRABACHER:

H.R. 912. A bill to authorize the Administrator of the National Aeronautics and Space Administration to establish an awards program in honor of Charles ''Pete'' Conrad, astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories; to the Committee on Science.

By Mr. ROHRABACHER:

H.R. 913. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the ownership and control of corporations by employees; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H.R. 914. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for investing in companies involved in space-related activities; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 915. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. STEARNS:

H.R. 916. A bill to prohibit the expenditure of Federal funds to conduct or support research on the cloning of humans, and to express the sense of the Congress that other countries should establish substantially equivalent restrictions; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina (for himself, Mr. BROWN of South Carolina, Mr. DEMINT, Mr. BARRETT of South Carolina, Mr. SPRATT, and Mr. CLYBURN):

H.R. 917. A bill to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building''; to the Committee on Government Reform.

By Mr. BROWN of Ohio (for himself, Mrs. TAUSCHER, and Mr. HOEFFEL):

H.J. Res. 24. A joint resolution requiring the President to report to Congress specific information relating to certain possible consequences of the use of United States Armed Forces against Iraq; to the Committee on International Relations.

By Mr. HOYER (for himself, Mr. HYDE, Mr. FRANK of Massachusetts, Mr. SENSENBRENNER, Mr. BERMAN, Mr. SABO, and Mr. PALLONE):

H.J. Res. 25. A joint resolution proposing an amendment to the Constitution of the United States to repeal the 22nd amendment to the Constitution; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon (for herself and Mr. HAYWORTH):

H. Con. Res. 52. Concurrent resolution expressing the sense of Congress that all major sports organizations should ban the use of ephedra and dietary supplements containing ephedrine; to the Committee on Energy and Commerce.

By Mr. HOYER (for himself, Mr. WOLF, Ms. NORTON, Mr. WYNN, Mr. MORAN of Virginia, and Mr. VAN HOLLEN):

H. Con. Res. 53. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself, Mr. PETERSON of Pennsylvania, Ms. NORTON, Mr. WALSH, Mr. FROST, Ms. BORDALLO, Ms. MCCOLLUM, Mr. DINGELL, Mr. HOLDEN, Mr. MATSUI, Mr. CAPUANO, Mr. KENNEDY of Rhode Island, Mr. WAXMAN, Mr. BRADY of Pennsylvania, Mr. SCHIFF, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. MCDERMOTT, Mrs. MALONEY, Ms. SLAUGHTER, Mr. SHERWOOD, Mr. MCNULTY, Mr. MCKEON, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. MCHUGH, Mr. STARK, Mr. SERRANO, and Mr. SANDERS):

H. Con. Res. 54. Concurrent resolution expressing the sense of the Congress that there should be established an annual National Visiting Nurse Association Week; to the Committee on Government Reform.

By Mr. STEARNS:

H. Con. Res. 55. Concurrent resolution honoring General Bernard A. Schriever, United States Air Force (retired), for his dedication and service to the United States Air Force, for his essential service in the development of the United States ballistic missile program, and for his lifetime of work to enhance the security of the United States; to the Committee on Armed Services.

By Mr. TOM DAVIS of Virginia:

H. Res. 87. A resolution providing amounts for the expenses of the Committee on Government Reform in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. OXLEY:

H. Res. 88. A resolution providing amounts for the expenses of the Committee on Financial Services in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. BOEHLERT:

H. Res. 89. A resolution providing amounts for the expenses of the Committee on Science in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H. Res. 90. A resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. THOMAS:

H. Res. 91. A resolution providing amount for the expenses of the Committee on Ways and Means in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. YOUNG of Alaska:

H. Res. 92. A resolution providing amounts for the expenses of the Committee on Transportation and Infrastructure in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. GOODLATTE:

H. Res. 93. A resolution providing amounts for the expenses of the Committee on Agriculture in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H. Res. 94. A resolution providing amounts for the expenses of the Committee on the Judiciary in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. NUSSLE:

H. Res. 95. A resolution providing amounts for the expenses of the Committee on the Budget in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. HYDE:

H. Res. 96. A resolution providing amounts for the expenses of the Committee on International Relations in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. GOSS:

H. Res. 97. A resolution providing amounts for the expenses of the House Permanent Select Committee on Intelligence in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. BURTON of Indiana:

H. Res. 98. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. HUNTER:

H. Res. 99. A resolution providing amounts for the expenses of the Committee on Armed Services in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. BEREUTER (for himself, Mr. SHIMKUS, Mr. NUSSLE, and Mr. PETERSON of Minnesota):

H. Res. 100. A resolution congratulating Lutheran schools, students, parents, teachers, administrators, and congregations

across the Nation for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida:

H. Res. 101. A resolution urging the President to present posthumously a Presidential Citizens Medal to Frederick Douglass in recognition of his achievements in civil rights and service to the nation; to the Committee on Government Reform.

By Mr. JOHNSON of Illinois (for himself, Mr. SHIMKUS, Mr. EVANS, Ms. SCHAKOWSKY, Mr. CRANE, Mr. WELLER, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. HASTERT, Mr. EMANUEL, Mr. LIPINSKI, Mr. COSTELLO, Mr. KIRK, Mr. LAHOOD, Mr. MANZULLO, Mrs. BIGGERT, Mr. GUTIERREZ, Mr. HYDE, and Mr. RUSH):

H. Res. 102. A resolution honoring Erika Harold, Miss America 2003; to the Committee on Government Reform.

By Mr. KING of New York:

H. Res. 103. A resolution establishing a Select Committee on POW and MIA Affairs; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. NEY, Mr. RADANOVICH, Mr. FOSSELLA, Mr. WAMP, Mr. WELLER, Mr. KINGSTON, Mr. WHITFIELD, Mr. THORNBERRY, Mr. WOLF, Mr. PITTS, Mr. KENNEDY of Minnesota, Mrs. MYRICK, and Mr. COLE.

H.R. 13: Mr. KENNEDY of Rhode Island, Mr. LYNCH, Mrs. JONES of Ohio, Mrs. LOWEY, Mr. ISSA, Ms. BERKLEY, Mr. SANDERS, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Mr. DREIER, Mr. CRAMER, Ms. HOOLEY of Oregon, Ms. SCHAKOWSKY, and Ms. MCCARTHY of Missouri.

H.R. 20: Mr. SANDERS and Mr. VAN HOLLEN.

H.R. 21: Mr. SOUDER.

H.R. 25: Mr. COLLINS, Mr. HALL, Mr. CULBERSON, Mr. KING of Iowa, and Mr. FLAKE.

H.R. 33: Mrs. EMERSON, Mr. SOUDER, Mr. OBERSTAR, and Mrs. MUSGRAVE.

H.R. 34: Mr. SABO, Mr. SIMMONS, Mr. VAN HOLLEN, Mr. BERRY, Mr. DAVIS of Illinois, Mr. BOUCHER, Mr. COSTELLO, and Mr. OLVER.

H.R. 58: Mr. OTTER, Mr. RAHALL, Mr. UDALL of New Mexico, Mr. VITTER, Ms. NORTON, Mr. FALEOMAVAEGA, Mr. PLATTS, Mr. SMITH of Washington, Mr. ROGERS of Michigan, Mr. WEXLER, Mr. SANDLIN, Mrs. JONES of Ohio, Ms. DELAURO, Mr. TAYLOR of Mississippi, Mr. BROWN of Ohio, Mr. HEFLEY, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. EVANS, Mr. LOBIONDO, Ms. BALDWIN, Mr. TANCREDO, Mr. LYNCH, Mr. BERRY, Mr. WAMP, Mr. LEWIS of Kentucky, Mr. CRAMER, Mr. SCHIFF, Mrs. MCCARTHY of New York, Mr. BELL, Mr. BOYD, Mr. KILDEE, Mr. FOSSELLA, Mr. MOORE, Mr. STRICKLAND, Mr. CALVERT, Mr. GINGREY, and Mr. MORAN of Virginia.

H.R. 105: Mr. FALEOMAVAEGA.

H.R. 119: Mr. MATHESON.

H.R. 138: Mr. SIMMONS.

H.R. 151: Mr. RANGEL, Mr. HONDA, Mr. BEREUTER, and Mrs. MALONEY.

H.R. 153: Mr. MILLER of Florida.

H.R. 168: Mr. WILSON of South Carolina, Mr. WALSH, Mrs. JONES of Ohio, Mr. DINGELL, Mr. MCGOVERN, Mr. ISAKSON, and Mr. FROST.

H.R. 192: Mr. WAMP, Mr. LARSEN of Washington, Ms. NORTON, and Mr. GREEN of Texas.

H.R. 207: Mr. SESSIONS.

H.R. 217: Mr. ALLEN, Mr. ABERCROMBIE, Mr. PASCRELL, Ms. DELAURO, Mr. CLAY, Mr. LUCAS of Kentucky, Mr. FATTAH, Mr. FOSSELLA, Ms. HART, Mr. PETERSON of Minnesota, Mr. JOHN, Mr. MOORE, Mr. PORTER, and Mr. OTTER.

H.R. 218: Mr. MENENDEZ, Mr. LARSEN of Washington, Mr. SIMPSON, Mr. LATOURETTE, Mr. BISHOP of New York, Mr. MATHESON, Mr. TAYLOR of Mississippi, Mr. FORD, Mr. UDALL of New Mexico, Mr. TOOMEY, and Mr. PORTER.

H.R. 219: Mr. MICA.

H.R. 224: Mr. HASTINGS of Washington.

H.R. 237: Mr. OWENS.

H.R. 250: Ms. LOFGREN and Mr. SANDERS.

H.R. 278: Mr. STEARNS.

H.R. 284: Mr. LYNCH, Mr. TIERNEY, Mr. BOYD, Mr. DAVIS of Alabama, Mr. KENNEDY of Rhode Island, Mr. DINGELL, Mr. MOLLAHAN, Mr. CRAMER, Mr. GOSS, Mr. BRADLEY of New Hampshire, Mr. PUTNAM, Mr. BRADY of Pennsylvania, Mr. DAVIS of Tennessee, Mr. ROGERS of Alabama, Mr. HONDA, and Mrs. JO ANN DAVIS of Virginia.

H.R. 290: Mr. FRELINGHUYSEN, Ms. HOOLEY of Oregon, Ms. SCHAKOWSKY, Mr. MILLER of North Carolina, Mr. FRANK of Massachusetts, and Mr. SULLIVAN.

H.R. 296: Mr. FRANK of Massachusetts, Mr. ENGLISH, Mr. FROST, Ms. NORTON, Mr. MCHUGH, Mr. SCHIFF, Mr. MCDERMOTT, Mr. WALSH, Mr. LATOURETTE, Mr. OXLEY, Mr. LAHOOD, Mr. KILDEE, Mr. SOUDER, Ms. SCHAKOWSKY, Mr. FOLEY, Mr. MEEHAN, and Mrs. MALONEY.

H.R. 303: Mr. GARY G. MILLER of California, Mrs. CAPPS, Mr. PLATTS, Mr. MORAN of Kansas, Mr. BEREUTER, Mrs. CHRISTENSEN, Ms. HOOLEY of Oregon, Mr. NORWOOD, Mr. DEUTSCH, Mr. VAN HOLLEN, Mr. SULLIVAN, Mr. MEEHAN, Mr. GOSS, Mr. KANJORSKI, Mr. CROWLEY, Mr. MANZULLO, Mrs. BLACKBURN, Mr. CHOCOLA, Mr. BASS, Mr. OLVER, Mr. ISAKSON, Mr. ROGERS of Michigan, Mrs. MCCARTHY of New York, Mr. SAXTON, Mr. JO ANN DAVIS of Virginia, Mr. GINNY BROWN-WAITE of Florida, Mr. FOLEY, Mr. PETERSON of Minnesota, Mr. DAVIS of Tennessee, Mr. RENZI, and Ms. DELAURO.

H.R. 308: Mr. POMBO, Mr. SWEENEY, Mr. DICKS, Mr. FRANK of Massachusetts, Mr. PASTOR, Mr. CROWLEY, and Mr. VISCLOSKY.

H.R. 315: Mr. KOLBE.

H.R. 331: Mr. PICKERING.

H.R. 343: Mr. CONYERS, Mr. HOLDEN, Mrs. JONES of Ohio, Mr. SANDERS, and Mr. FROST.

H.R. 365: Ms. CARSON of Indiana and Mr. WAXMAN.

H.R. 378: Ms. GINNY BROWN-WAITE of Florida and Mr. SOUDER.

H.R. 381: Mr. SHAYS.

H.R. 382: Mr. SIMMONS.

H.R. 391: Mr. MANZULLO.

H.R. 394: Mr. OLVER, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, and Mr. DEUTSCH.

H.R. 396: Ms. SCHAKOWSKY.

H.R. 412: Mr. HOEFFEL, Mr. COMBEST, Mr. GALLEGLY, Mr. HALL, Ms. MILLENDER-MCDONALD, and Mr. MCDERMOTT.

H.R. 424: Mr. CANNON.

H.R. 441: Ms. BERKLEY, Mr. CALVERT, Mrs. JO ANN DAVIS of Virginia, Mr. KIRK, Mr. ROTHMAN, Mr. SCHIFF, Mr. SCHROCK, AND MR. SOUDER.

H.R. 445: Mr. CROWLEY, Mr. MCGOVERN, and Mrs. LOWEY.

H.R. 446: Mr. CROWLEY, Mr. PASCRELL, Mr. CLAY, Mr. GRIJALVA, Mrs. CHRISTENSEN, and Ms. LEE.

H.R. 447: Mr. CROWLEY, Mr. PASCRELL, Mr. CLAY, Mr. GRIJALVA, Mrs. CHRISTENSEN, and Ms. LEE.

H.R. 448: Mr. CROWLEY, Mr. PASCRELL, Mr. CLAY, Mr. GRIJALVA, Mrs. CHRISTENSEN, Ms. LEE, Mr. BROWN of Ohio, and Mr. KUCINICH.

H.R. 466: Mr. BERMAN, Ms. BERKLEY, Mr. GONZALEZ, Mr. BISHOP of New York, Mr. GALLEGLY, Mrs. JONES of Ohio, Mr. BISHOP of Georgia, Ms. HARMAN, Mr. BAIRD, Mr. NADLER, Mrs. LOWEY, Mr. ISAKSON, Mr. ABERCROMBIE, Mrs. JO ANN DAVIS of Virginia, Mr. PASCRELL, Mr. KUCINICH, Mr. DEUTSCH, Mr. FROST, Mr. LOBIONDO, Mr. PORTER, Ms. HOOLEY of Oregon Mr. HINCHEY, Mr. LAMPSON, Ms. VELAZQUEZ, and Mr. HOLDEN.

H.R. 488: Mr. MILLER of Florida, Mr. PLATTS, and Mr. EVERETT.

H.R. 489: Mr. BALLENGER.

H.R. 490: Ms. BERKLEY, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. LOBIONDO, Mr. PETERSON of Minnesota, Mr. UDALL of New Mexico, Mr. MENENDEZ, Mr. ETHERIDGE, Mr. NEAL of Massachusetts, Mr. BROWN of Ohio, and Ms. MCCARTHY of Missouri.

H.R. 496: Mr. GARRETT of New Jersey.

H.R. 502: Mr. PAUL and Mr. WAMP.

H.R. 503: Mr. PEARCE.

H.R. 504: Mrs. NAPOLITANO and Mr. GRIJALVA.

H.R. 517: Mr. ROGERS of Michigan, Mr. CAMP, Mr. HOEKSTRA, Mr. SMITH of Michigan, Mr. MCCOTTER, and Mr. EHLERS.

H.R. 528: Ms. BERKLEY, MR. RADANOVICH, Mr. VAN HOLLEN, Mr. MCCOTTER, Mr. FILNER, Mr. OLVER, Ms. LOFGREN, Mr. ANDREWS, Mr. PAUL, and Mr. UPTON.

H.R. 533: Mr. STRICKLAND.

H.R. 534: Mr. MCINTYRE, Mrs. CUBIN, Mr. RAHALL, Mr. TURNER of Ohio, Mr. CULBERSON, Mr. WALSH, Mr. BILIRAKIS, Mr. FLAKE, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. SESSIONS, Mr. BURR, Mrs. BLACKBURN, Mr. SANDERS, and Mr. BEAUPREZ.

H.R. 569: Mr. SESSIONS, Mrs. EMERSON, Mr. GREEN of Wisconsin, and Mr. KLECZKA.

H.R. 577: Mr. ALLEN, Mr. WATT, Mr. KELCZKA, Ms. SCHAKOWSKY, and Mr. HASTINGS of Florida.

H.R. 583: Mr. REHBERG, Mr. BOYD, Mr. ROGERS of Michigan, Mr. CANNON, and Mr. FEENEY.

H.R. 584: Mrs. BIGGERT, Mr. SNYDER, and Mr. MILLER of Florida.

H.R. 588: Mr. MCHUGH, Mr. NETHERCUTT, Mrs. NAPOLITANO, Mr. STRICKLAND, and Mr. HONDA.

H.R. 589: Mr. SCHAKOWSKY, Mr. BASS, Mr. LATHAM, Mr. NUSSLE, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SNYDER, Mr. BOSWELL, Mr. BAIRD, and Mr. BOEHLERT.

H.R. 594: Ms. WATERS, Mrs. BONO, Mr. LEACH, Mr. PORTER, Mr. VAN HOLLEN, Mr. GOODE, Mr. UDALL of New Mexico, Mr. DOGGETT, Mrs. NORTHUP, Mr. MATSUI, Mrs. TAUSCHER, Ms. DELAURO, Mr. PASTOR, Mr. EMANUEL, Mr. EVANS, Mr. JOHNSON of Illinois, and Mr. HYDE.

H.R. 613: Mr. CLAY.

H.R. 618: Mr. SOUDER, Mr. MCHUGH, and Mr. SENSENBRENNER.

H.R. 623: Mr. FROST.

H.R. 660: Mr. HOSTETTLER, Mrs. NAPOLITANO, Mr. CRANE, Mr. CHOCOLA, Mr. FOLEY, Mr. ROGERS of Michigan, Mr. CARSON of Oklahoma, and Mr. COLE.

H.R. 669: Mr. MATHESON, Mr. LYNCH, Mr. ACEVEDO-VILA, Mr. MCDERMOTT, Mr. OSBORNE, Mr. MCINNIS, Ms. BORDALLO, Mr. PRICE of North Carolina, Mr. SPRATT, Mrs. NAPOLITANO, Mr. ORTIZ, and Mr. MENENDEZ.

H.R. 672: Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. SHIMKUS, Mr. ROHRABACHER, Mr. MCDERMOTT, Mrs. CHRISTENSEN, Mr. LARSEN of Washington, Mr. FROST, Mr. FALEOMAVAEGA, Ms. LEE, Mr. WALSH, Mr. EVANS, Mr. BONNER, Mr. GIBBONS, Mr. ISAKSON, Mr. CASE, Mrs. TAUSCHER, Mr. SCHROCK, Mr. LAMPSON, and Mr. HONDA.

H.R. 677: Mr. LIPINSKI.

H.R. 683: Mr. TERRY, Mr. GILLMOR, Mrs. JOHNSON of Connecticut, and Mr. SOUDER.

H.R. 684: Mrs. JONES of Ohio and Mr. SOUDER.

H.R. 685: Mr. BOUCHER and Mr. WATT.

H.R. 690: Mr. RODRIGUEZ.

H.R. 693: Ms. HART, Mr. PLATTS, Mrs. CHRISTENSEN, and Mr. GUTKNECHT.

H.R. 703: Mr. ISAKSON.

H.R. 720: Mr. LAMPSON and Ms. JACKSON-LEE of Texas.

H.R. 735: Mr. ISRAEL, Mr. TOWNS, and Mrs. MALONEY.

H.R. 736: Mr. WATT, Ms. CORRINE BROWN of Florida, and Mrs. LOWEY.

H.R. 752: Mr. BISHOP of New York, Mr. GRIJALVA, and Mr. SANDERS.

H.R. 756: Mrs. MUSGRAVE and Mr. WILSON of South Carolina.

H.R. 757: Ms. JACKSON-LEE of Texas, Mr. BISHOP of New York, Ms. LEE, Mr. ISRAEL, Ms. SCHAKOWSKY, and Mr. KUCINICH.

H.R. 761: Mrs. JONES of Ohio, Mr. STRICKLAND, and Mr. GUTIERREZ.

H.R. 765: Mr. LATOURETTE and Mr. BAKER.

H.R. 767: Mr. SMITH of Texas.

H.R. 768: Mr. LATHAM, Mr. AKIN, Mr. ISRAEL, and Mr. HERGER.

H.R. 770: Mr. MOORE and Mr. CASE.

H.R. 778: Mr. PETRI, Mr. WOLF, Mr. STEARNS.

H.R. 779: Mr. FALEOMAVAEGA and Mr. GUTIERREZ.

H.R. 790: Mr. SULLIVAN.

H.R. 798: Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, Ms. JACKSON-LEE of Texas, Ms. WATSON, Ms. NORTON, and Mr. SENSENBRENNER.

H.R. 801: Mr. CROWLEY and Mr. CAPUANO.

H.R. 806: Mr. GUTKNECHT.

H.R. 808: Mr. ENGLISH.

H.R. 811: Mr. LINDER.

H.R. 812: Mr. MCHUGH and Mrs. CHRISTENSEN.

H.R. 813: Mrs. JONES of Ohio, Mr. NEAL of Massachusetts, Mr. WYNN, Mr. ANDREWS, Mrs. NAPOLITANO, and Mr. ORTIZ.

H.R. 814: Mr. TOM DAVIS of Virginia, Mr. UDALL of New Mexico, Mr. SHAYS, Mr. PASTOR, Mr. UPTON, and Mr. LOBIONDO.

H.R. 817: Mrs. MYRICK.

H.R. 821: Mr. EVANS and Mr. CLAY.

H.R. 828: Mr. RAHALL.

H.R. 832: Mr. FATTAH, Mr. EVANS, and Mr. BAIRD.

H.R. 853: Mr. KILDEE.

H.R. 857: Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. ISRAEL, Ms. WOOLSEY, and Mr. FEENEY.

H.J. Res. 4: Mr. BURTON of Indiana, Mr. BARRETT of South Carolina, and Mr. EVERETT.

H.J. Res. 20: Mr. HONDA.

H.J. Res. 22: Mr. MOORE and Mr. BISHOP of Georgia.

H. Con. Res. 2: Ms. NORTON.

H. Con. Res. 19: Mr. STARK, Mrs. NAPOLITANO, Ms. CORRINE BROWN of Florida, Mr. EVANS, and Mr. RYAN of Ohio.

H. Con. Res. 26: Mr. CASE, Mrs. JOHNSON of Connecticut, Mr. KUCINICH, and Mr. KIND.

H. Con. Res. 30: Mr. SANDERS and Mrs. MALONEY.

H. Con. Res. 36: Mr. BISHOP of Georgia, Mr. GREEN of Wisconsin, Ms. LINDA T. SANCHEZ of California, Mr. COOPER, Mr. LAHOOD, Ms. SOLIS, Mr. SPRATT, Mr. ROHRABACHER, Mr. FALEOMAVAEGA, and Mrs. BIGGERT.

H. Con. Res. 37: Mr. PORTER.

H. Con. Res. 40: Ms. ROS-LEHTINEN.

H. Con. Res. 47: Ms. WATSON, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Mr. CASE, Mr. SNYDER, Mr. SERRANO, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. OWENS, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Mr. REYES, Mr. BECERRA, Mr. CUMMINGS, Mr. RODRIGUEZ, Ms. KILPATRICK, and Mr. GRIJALVA.

H. Res. 55: Mr. UDALL of New Mexico.

H. Res. 58: Mr. LIPINSKI and Mr. CROWLEY.

H. Res. 72: Ms. BORDALLO, Mr. DELAHUNT, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. HOEFFEL, Ms. MILLENDER-MCDONALD, Mr. POMEROY, Mr. SCHIFF, and Mr. WEXLER.

H. Res. 81: Mr. HOUGHTON.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, FEBRUARY 25, 2003 No. 30

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. George D. McKinney, of Saint Stephens's Church of God in Christ in San Diego, CA.

PRAYER

The guest Chaplain offered the following prayer:

May we pray together.

Eternal God, Creator of the universe, the Source of life, order, and truth, we bow in reverence in Your presence. We thank You for divine favor and all the values and principles that continue to shape our national character and challenge us to greatness.

We pray for our Nation, our President, his family, Cabinet, and advisors. Grant wisdom and courage to the Senators as they fulfill their responsibility to our great Nation. Empower all who shoulder the responsibility of leadership and servanthood. May our duties become delightful because of Your gifts of joy, faith, and hope.

Lord, we are grateful for the privilege of working together with You for peace and justice for all people. We affirm with our Founding Fathers and Mothers that we are one Nation under God, with a common goal of liberty and justice for all. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader.

SCHEDULE

Mr. BENNETT. Mr. President, the Senate will spend the day in executive session deliberating, once again, and for the ninth day, the nomination of Miguel Estrada to be a circuit court judge for the DC Circuit. The Senate will recess from 12:15 to 2:30 for the weekly party lunches. Between now and the next recess we have a number of important issues that the majority leader would like to see addressed. Therefore, he hopes we can get passed this delay and let the Senate work its will on this nomination. Senators should be advised, therefore, that rollcall votes are possible during the day.

The PRESIDENT pro tempore. The deputy minority leader.

Mr. REID. Mr. President, I say to my friend—in fact, the two Senators from Utah—that, as I indicated to the majority leader last night, there are three ways we can move off Estrada. The nomination can be pulled. The decision can be made by this administration that he will supply the memos from the Solicitor's Office while he worked there that he wrote and allow more questioning of Estrada. Thirdly, the majority leader can file a motion to invoke cloture to see if there are the 60 votes to move ahead.

If that does not happen, we can stay on Estrada for a long time. If there are other things to do—and I mentioned yesterday I doubt that there are—if there are other things to do, then let's move to those. If not, then we can stay in this procedural quagmire, which is something that has been done in the past.

As I indicated yesterday, there have been, of course, filibusters of Presidential nominations in the past and Presidential nominations of judges. They usually are not as open and notorious as this, the reason being they come at a later time in the session where time is of the essence. Now time is not of the essence. There are other things that the leader has decided are not important enough to be on the floor at this stage.

So I would hope that everyone would understand that we are anxious to move on to other judicial nominations. We are anxious to move on to other legislative matters. But as long as Miguel Estrada refuses to answer the questions or to submit the memos that we have requested, this is going to be the procedural posture of the Senate.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Utah.

Mr. HATCH. Mr. President, I have listened to the distinguished Senator from Nevada, and I have a few things to say.

Mr. President, I rise today to address, once again, the nomination of Miguel Estrada for the United States Court of Appeals for the District of Columbia Circuit.

Are we ready to go?

The PRESIDING OFFICER. Will the Senator suspend for the Senate to lay down the pending orders, please.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar No. 21, which the clerk will report.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in favor of the nomination of Miguel Estrada for the United States Court of Appeals for the District of Columbia Circuit.

We started the debate on this nomination during the week of February 3. We debated the entire week of February 10. And now here we are again in our third week of debate, all because some of my Democratic colleagues refuse to allow an up-or-down vote on this nomination.

The renowned former Senator from Massachusetts, Henry Cabot Lodge, once said that ''[t]o vote without debating is perilous, but to debate and never vote is imbecile.'' Yet that is precisely what is happening on Mr. Estrada's nomination. We are debating and debating and debating the same points again and again but never actually voting on the nomination. Enough is enough. It is time to vote.

My Republican colleagues and I have tried to get an agreement to vote on Mr. Estrada's nomination no fewer than three separate times. Each time, our Democratic colleagues blocked our efforts. I even suggested that we agree to debate on this nomination for 10 hours, then 20 hours, then up to 50 hours before voting. Fifty hours. That is 10 hours of solid debate every day for the entire week, and 2 ½ times the amount of time that we give for a reconciliation bill around here. But each time, our Democratic friends rejected our entreaties, without hesitation or even good explanation.

We have to ask ourselves why our colleagues across the aisle are so intent on preventing a vote on Mr. Estrada's nomination. I have heard all of their arguments. They allege he did not answer their questions, that he lacks judicial experience, and that he cannot be confirmed before they see confidential and privileged memos he authored at the Solicitor General's Office, just to name a few. And those memos were his recommendations to the Solicitor General with regard to appeal decisions, with regard to certiorari decisions, with regard to amicus curiae decisions—very specific information that, if compromised and forced to be given to the Congress of the United States, could chill any future honest recommendations.

But all of these arguments they have raised are reasons they believe Mr. Estrada should not be confirmed. As misguided and wrong as they are, these are reasons my Democratic friends believe they should vote against Mr. Estrada. None of those arguments justifies the continuation of this filibuster to prevent an up-or-down vote on Mr. Estrada's nomination.

So I say now to my Democratic friends: Vote for him or vote against him. That is what we should do. If you don't like Mr. Estrada, if you don't believe he has the capacity to be a circuit court of appeals judge, vote no. But if you do, as I think a majority does in this body, we would vote aye. Do as your conscience dictates you must, but do not prolong the obstruction of the Senate by denying a vote on this nomination. Do not continue to treat the third branch of our Federal Government—the one branch intended to be insulated from political pressures—with such disregard that we filibuster its nominees. Do not perpetuate this campaign of unfairness. Vote for him or vote against him but just vote.

Now, an editorial that appeared in the Washington Post last week summed it up well. This editorial, aptly entitled, ''Just Vote'' observed—let me read the one part I want to emphasize, though I would not mind reading the whole thing—

> The arguments against Mr. Estrada's confirmation range from the unpersuasive to the offensive. He lacks judicial experience, his critics say—though only three current members of the court had been judges before their nominations. He is too young—though he is about the same age as Judge Harry T. Edwards was when he was appointed [by President Carter] and several years older than Kenneth W. Starr was when he was nominated. Mr. Estrada stonewalled the Judiciary Committee, they claim, by refusing to answer questions—though his answers were similar in nature to those of previous nominees, including many nominated by Democratic presidents. The administration refused to turn over his Justice Department memos—though no reasonable Congress ought to be seeking such material, as a letter from all living former solicitors general attests. He is not a real Hispanic and, by the way, he was nominated only because he is Hispanic—two arguments as repugnant as they are incoherent. Underlying it all is the fact that Democrats don't want to put a thinking conservative [Hispanic] on the court.

That is what it comes down to.

Continuing from the Post:

> It's long past time to stop these games and vote.

I will read the editorial from beginning to end because it is the Washington Post. A lot of my friends on the other side love the Washington Post. I have to say that I love it, too, but not for the same reasons. This is what it says:

> The Senate has recessed without voting on the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit. Because of a Democratic filibuster, it spent much of the week debating Mr. Estrada, and, at least for now, enough Democrats are holding together too prevent the full Senate from acting. The arguments against Mr. Estrada's confirmation range from the unpersuasive to the offensive. He lacks judicial experience, his critics say—though only three current members of the court had been judges before their nominations. He is too young—though he is about the same age as Judge Harry T. Edwards was when he was appointed and several years older than Kenneth W. Starr was when he was nominated. Mr. Estrada stonewalled the Judiciary Committee by refusing to answer questions—though his answers were similar in nature to those of previous nominees, including many nominated by Democratic presidents. The administration refused to turn over his Justice Department memos—though no reasonable Congress ought to be seeking such material, as a letter from all living former solicitors general attests. He is not a real Hispanic and, by the way, he was nominated only because he is Hispanic—two arguments as repugnant as they are incoherent. Underlying it all is the fact that Democrats don't want to put a conservative on the court.
>
> Laurence H. Silberman, a senior judge on the court to which Mr. Estrada aspires to serve, recently observed that under the current standards being applied by the Senate, not one of his colleagues could predictably secure confirmation. He's right. To be sure, Republicans missed few opportunities to play politics with President Clinton's nominees. But the Estrada filibuster is a step beyond even those deplorable games. For Democrats demand, as a condition of a vote, answers to questions that no nominee should be forced to address—and that nominees have not previously been forced to address. If Mr. Estrada cannot get a vote, there will be no reason for Republicans to allow the next David S. Tatel—a distinguished liberal member of the court—to get one when a Democrat someday again picks judges. Yet the D.C. Circuit—and all courts, for that matter—would be all the poorer were it composed entirely of people whose views challenged nobody.
>
> Nor is the problem just Mr. Estrada. John G. Roberts Jr., Mr. Bush's other nominee to the D.C. Circuit, has been waiting nearly two years for a Judiciary Committee vote. Nobody has raised a substantial argument against him. Indeed, Mr. Roberts is among the most highly regarded appellate lawyers in the city. Yet on Thursday, Democrats invoked a procedural rule to block a committee vote anyway—just for good measure. It's long past time to stop these games and vote.

I think the Washington Post has it just right. The fact is there hasn't been one good argument used against Mr. Estrada. They can't point to one reason he should not be confirmed to this circuit court of appeals. They can't give one logical, good, substantive reason to reject him. But I still grant them the right to vote against him if that is the way they feel. If they in their hearts feel that this man will not operate on the court the way he should, then, by gosh, they have a right to do that. Naturally, I do take opposition or issues with the Post's characterization of how we treated the Clinton nominees, but other than that, I think it is dead on.

Let me tell you why I take opposition. If you look at the facts, as I have said before, President Reagan was the all-time confirmation champion. He amazingly got 382 judges confirmed.

But he had 6 years of a Republican Senate, with control of the Judiciary Committee by Republicans, to help him to do that. I have heard so much whining from the other side about how badly President Clinton's nominees were treated. It is repeated in this editorial to a limited degree. But the fact is, President Clinton got virtually the same number as President Reagan. Three hundred seventy-seven Federal judges were confirmed during President Clinton's 8 years, and for 6 of those years the Republicans controlled the Senate and the Senate Judiciary Committee. He was treated very fairly.

If you go back in time, when President Bush was President, Bush 1, when he left his Presidency and the Democrats controlled the committee at that

time, there were 97 vacancies and 54 left holding. In other words, 54 nominees did not get heard. By the way, one of them was John Roberts, who has been sitting here for 11 years, nominated three times by two different Presidents for this circuit court of appeals job. It isn't just 2 years, as the Post said; it is 11 years, going on 12. That is disgraceful. He is considered one of the two greatest appellate lawyers in the country, arguing 39 cases before the Supreme Court. Yet he was blocked last week in committee as well.

The fact is, when President Clinton left office and I was still chairman of the committee, there were 41 left holding. There were 67 vacancies, 30 fewer than when the Democrats last held the committee with a Republican President leaving office. And there were 41 left holding versus the 54 left by the Democrats. We didn't cry about that—at least I didn't. That is part of the process. There are always some left holding because it is a difficult process to get through. Could we have done better? I think we could have done better; I will acknowledge that. The fact is, we didn't cry when they left 54 hanging, and they shouldn't be crying because 41 of theirs were left hanging. By the way, of the 41, at least 9 were put up so late no committee chairman could have gotten them through, so it was really only 32. And if you go back through these, for many there was no consultation with the Republican Senators, an absolute must in order to confirm people.

I happen to know this administration is consulting with Democrat Senators. To the degree that Senators say they are not, that is because they interpret the consultation to mean doing what they want rather than what the President wants. That is not the definition of consulting.

There is a point here that bears repeating because I believe that in the debate over Mr. Estrada's nomination this point has been lost. My Democratic colleagues have articulated every reason under the Sun they believe they should vote against Mr. Estrada, yet they will not allow his nomination to proceed to a vote. Why is this? I will tell you what I think, plainly put, with no window dressing: I think it is because they are afraid Mr. Estrada will be confirmed if there is a vote on his nomination. I predict he will be. They believe a majority of the Members of this body will vote to confirm him.

The only way they can prevent this from happening is to filibuster his nomination. As I said last week, when a minority of Senators prevent a majority from voting on a judicial nomination, it is nothing but tyranny of the minority. It is unfair, and it has no place in the process we use to confirm judges.

Last week, I noted that some of my Democratic colleagues were not always so eager to use a filibuster to prevent a vote on judicial nominations.

I think it is important to note again what some of my colleagues had to say about filibustering judicial nominees when there was a Democrat in the White House. The ranking member of the Judiciary Committee, the Senator from Vermont, said in 1999:

> I . . . do not want to see the Senate go down a path where a minority of the Senate is determining a judge's fate on votes of 41.

The distinguished Senator from California, who also serves on the Judiciary Committee, likewise said in 1999:

> A nominee is entitled to a vote. Vote them up; vote them down.

She continued:

> It is our job to confirm these judges. If we don't like them, we can vote against them. That is the honest thing to do. If there are things in their background, in their abilities that don't pass muster, vote no.

My colleague from Massachusetts, a former Judiciary Committee chairman, said in 1998:

> Nominees deserve a vote. If our Republican colleagues don't like them, vote against them. But don't just sit on them—that is obstruction of justice.

I wonder why it was obstruction of justice then but it is not today. It does appear to be a double standard, as White House counsel said this week on television. There is a double standard being applied to this Hispanic nominee, without any legitimate, logical, good reason for holding him up.

I think I have made my point. When the shoe was on the other foot—when a Democratic President was the one nominating Federal judges—my Democratic colleagues stood firm against the idea that a judicial nominee should be denied a vote. But now that it is a Republican President nominating Federal judges, things are obviously different to them. They apparently no longer believe it is a problem to go down a path where a minority of the Senate is determining a judge's fate on votes of 41, or requiring a supermajority vote of 60 in order to have a nominee approved and confirmed—even though our obligation is to advise and consent. That means a vote up or down. They no longer believe that voting on a nominee—whether for or against—is the honest thing to do, and they no longer believe that denying nominees a vote is obstruction of justice—which is what they called it when they had the Presidency. And liberals were being nominated and confirmed by us then.

There is no question that we are in the middle of a full-blown filibuster of Mr. Estrada's nomination. The Senator from New York, Mr. SCHUMER, has said they are not filibustering. What the heck is it then? Preventing a vote up or down on the nominee is called a filibuster. They can prevent a vote, as long as they can require us to get 60 votes and as long as they have at least 41 votes against cloture. Never before has an appellate court nominee—or any lower court nominee, for that matter—been defeated through a filibuster.

If this filibuster is successful, if Mr. Estrada's nomination is denied a vote, we are entering into a sad new chapter in the confirmation of judicial nominees. It is a chapter where the will of a minority of the Members of this body can obstruct the confirmation of a lower court nominee. Simply put, it is tyranny of the minority, and it is unfair.

I have to admit there were some on our side during the Clinton years who wanted to filibuster some of his judges. In all honesty, I fought against that and helped to prevent it. We never had a true filibuster against a circuit court of appeals nominee. I thought it was unfair then, and I think it is unfair today.

It is significant that, in addition to the Washington Post, many other fine newspapers across the country, from California to Maine, have taken note of what is going on in the Senate and have spoken out against a filibuster. These are newspapers that generally do not, as a matter of regular practice, comment on the Senate's confirmation of Federal judges. The fact that these newspapers have chosen to speak out against a filibuster of Mr. Estrada—a nominee with no connection to their own State—says quite a lot about the blatant unfairness of what is going on here.

Take, for example, the Riverside, CA, Press-Enterprise. In a February 18 editorial, it said:

> The Democrats' tactic employed last week of filibustering the nomination of [Mr. Estrada] . . . is an anything-goes strategy that ought to be abandoned.

This is a newspaper that happens to agree with the Democrats' contention—which I think is absolutely baseless—that Mr. Estrada was not completely open during his testimony before the Judiciary Committee. It is also a newspaper that was pretty harsh on us Republicans in the same editorial—unjustly, in my view, but that is a different story. The point is that its anti-filibuster position is even more credible. The Press-Enterprise is saying that even if you did not like the way Mr. Estrada answered questions before the committee, that is no reason to filibuster his nomination.

As they concluded:

> [T]he process has to stop at some point. It's one of advice and consent, not advise and confront.

Let's look at what some of the other newspapers across the country have been saying since this filibuster started 3 weeks ago. Like the Riverside Press-Enterprise, many of these newspapers are quite harsh on us Republicans, too, but they are united on one point: The filibuster of Mr. Estrada's nomination is unfair and it should end.

Another California newspaper, the Redding Record Searchlight, had this to say:

> This filibuster comes at a time when there are all sorts of pressing issues before the nation. The tactic has no excuse. . . . If liberals in the Senate think conservatives will spell the end of civilization if they become judges, they can vote against Estrada. Keeping others from voting their consciences on this

particular matter is more than slightly reprehensible.

The Bangor Daily News in Maine wrote that the Democrats:

are mistreating a fellow citizen through the same means they fear an unqualified judge would employ: using their authority to harshly punish someone on ideological grounds. It is unfair no matter which party does it and it is harmful to the working of the Senate.

Well, amen to that.

The Providence Journal-Bulletin in Rhode Island said:

The point about Miguel Estrada is not that he may or may not harbor conservative judicial opinions. The point is that he is an inspiring American success story, a brilliant scholar, a distinguished public servant, and an outstanding lawyer. For Senate Democrats to talk down his nomination is not just embarrassing, but outrageous.

The Grand Forks Herald in North Dakota wrote in an editorial entitled ''Stop the Filibuster'' that Senate Democrats ''should back off and let the Senate vote.''

The Chicago Sun-Times asked:

[W]ho can look at the spectacle of the 108th Congress and not believe that both justice and the basic operation of the Nation is being sacrificed on the altar of ugly, obstructionist, partisan politics?

They continued:

Our legal system cannot and must not be held hostage to political nitpicking.

The Rochester, NY, Democrat and Chronicle opined:

Yet another fight over a judicial nominee should not descend to filibuster.

The Detroit News wrote:

Estrada should have his nomination put up for an ordinary vote, as have all of his predecessors. If he loses, fair enough. But a filibuster would signal an unreasonable posture by Democratic Senators that could have long-term—and damaging—consequences for how business is conducted in the U.S. Senate.

Mr. President, I ask unanimous consent that these and other editorials from newspapers across the Nation condemning the filibuster of Mr. Estrada's nomination be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Press-Enterprise, Feb. 18, 2003]

The process of filling a vacancy in the federal judiciary is a political one. The Founding Fathers placed it into a political area. The president nominates and the Senate confirms—or doesn't—but that doesn't mean anything goes.

The Democrats' tactic employed last week of filibustering the nomination of Miguel A. Estrada to the U.S. Court of Appeals for the District of Columbia Circuit is an anything-goes strategy that ought to be abandoned. However, with 49 Democratic senators, they are likely to be able to muster the 41 votes needed to maintain a filibuster.

What makes the filibuster inappropriate is that it is rarely used to block a judicial nominee, and Mr. Estrada hardly qualifies as a target for such a big gun. Yes, he was not completely open with members of the Judiciary Committee when he appeared, and Democratic senators are frustrated by the White House's refusal to release to them memoranda he wrote as solicitor general.

But in the best of times, such a request would be out of line, and these are closer to the worst than to the best for the nomination process. If the memoranda were to be used as an honest beginning to a discussion of Ms. Estrada's legal views, there might be some justification for releasing the documents that would normally be considered privileged.

One suspects that's not the role the Democrats have in mind for the memoranda. They probably hope to expose Mr. Estrada's conservative views, which no one doubts he holds, in hopes of defeating the nomination or at least scoring some political points.

The two parties have been allowing their political battles over judicial nominees to escalate since Robert H. Bork's nomination to the U.S. Supreme Court in 1987. One suspects that Republicans, if they were in the minority, would have done the same with the Estrada nomination. The parties need to de-escalate.

A first step would be to not filibuster nominations like this one of a well-qualified nominee. He's distinctly an American success story, having immigrated from Honduras, gone to Columbia and Harvard and served as a clerk to a Supreme Court justice.

Democrats, or Republicans when they are in the minority, may fairly make things tough on a nominee in committee or on the Senate floor, in order to fashion nominations more to their liking. But the process has to stop at some point. It's one of advice and consent, not advise and confront.

[From the Redding Record Searchlight, Feb. 15, 2003]

SENATE LIBERALS SHOULD NOT FEAR VOTE FOR JUDGE

Miguel Estrada is—oh no, oh no, can it be?—a conservative, and if that makes your heart pound with fear, you may very well be a Democrat serving in the Senate. You would then be among those trying to thwart majoritarian decision-making with a filibuster, there being no chance that an honest vote will go your way.

It's irresponsible and an outrage, this hysteria being acted out by the Democrats to keep Estrada from serving on the U.S. Court of Appeals for the District of Columbia. But the Democrats do have their excuses, each more petty and pathetic than the next.

One excuse is that they just don't know enough about this fellow, but there is a life history here, and a rather amazing one: Estrada immigrated to this country from Honduras, graduated with honors at Columbia College, was editor of the Law Review at Harvard Law School, was a clerk to a Supreme Court justice, has argued before the Supreme Court 15 times, has done pro bono work for a down-and-outer and has received the highest possible recommendation of the American Bar Association.

Well, but the administration won't hand over memos he wrote when he was in the solicitor general's office, say the Senate Democrats. It apparently does not matter to them that publicizing them could rob future memos of their candor and that every former solicitor general of either party has said the Democrats seek too much.

But listen, the Democrats continue, Estrada refused to blab his heart out when he appeared before a Senate committee, as if they did not know that its violates widely endorsed principles to indicate beforehand how you as a judge might decide cases that could come before you. Estrada did say he would be an impartial judge loyal to the law. On other topics—his broad political views—he was relatively quiet, which is fine.

This filibuster comes at a time when there are all sorts of pressing issues before the nation. The tactic has no excuse (although there are explanations, such as a Democratic fear that Estrada would be in line for a Supreme Court nomination if he gets this other judgeship first). If liberals in the Senate think conservatives will spell the end of civilization if they become judges, they can vote against Estrada. Keeping others from voting their consciences on this particular matter is more than slightly reprehensible.

[From the Bangor Daily News, Feb. 19, 2003]

VOTING ON ESTRADA

George Washington took office April 30, 1789, but the Senate waited until Aug. 5 of that year to reject one of his nominees—Banjamin Fishbourn of Georgia, one of 102 appointments submitted by President Washington to become collectors, naval officers and surveyors of seaports. The Senate thus established the use of its authority for advise and consent and simultaneously demonstrated that no appointment is too minor to fret over.

Just before they left for vacation last week, Senate Democrats had begun what they say will be an extended filibuster of the nomination of Miguel Estrada, nominated in May 2001 by President Bush to become U.S. circuit judge for the District of Columbia Circuit. The Democrats say they do not have enough information about the nominee and cannot persuade him to talk sufficiently about his judicial philosophy so cannot allow a vote.

This lack of information, however, has not stopped conservative groups from strongly supporting the nomination and liberal groups from strongly opposing it. They know enough to choose a position, as do the Democrats, who actually mean by insufficient information that they would like to reject a Bush nominee but were hoping to find a larger reason for doing so than the fact that Mr. Estrada apparently supports strong anti-loitering laws, to the detriment of migrant workers.

Democratic Sen. Harry Reid of Nevada a couple of weeks ago quoted comments his Republican colleagues offered during the Clinton administration on the requirement that the Senate ''do what it can to ascertain the jurisprudential views a nominee will bring to the bench,'' to use an example from Republican Sen. Orrin Hatch of Utah. (Sen. Reid also offered numerous precedents in which memoranda of the sort Mr. Estrada wrote while advising the solicitor general have been made public, as they have not with this nomination.) Sen. Reid's point, of course, is that if this behavior was acceptable for Republicans it ought to be acceptable for Democrats. But for the public, it is not acceptable in either case.

The Senate has a long history of rejecting presidential nominations, from Cabinet appointments right down to surveyors of seaports. Democrats, having drawn out this nomination for maximum political effect, now face the questions of backlash for appearing to beat up a nominee. More importantly, they are mistreating a fellow citizen through the same means they fear an unqualified judge would employ: using their authority to harshly punish someone based on ideological grounds. It is unfair no matter which party does it and it is harmful to the working of the Senate.

The Democrats should consider that the information they have in hand is all they will get and allow, even encourage, a vote. If the information is insufficient, they should vote no and see if they can round up enough votes to block the nomination. If it is sufficient and they have no substantial questions about Mr. Estrada's abilities, they should vote yes even if they do not agree with all of

his politics. But the filibuster should end this week with the congressional recess.

[From the Providence Journal-Bulletin, Feb. 14, 2003]

THE ESTRADA CASE

The decision of Senate Democrats to filibuster the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia is unfortunate, to say the least. Democrats are now in the position not only of turning away a nominee rated ''highly qualified'' by the American Bar Association, but of rejecting a onetime Supreme Court clerk and Honduran immigrant who graduated magna cum laude from Harvard Law School, for political reasons.

The Democratic complaint is that Mr. Estrada is a ''stealth conservative,'' and that his responses in committee hearings were insufficient to reveal his political opinions. To that end, Minority Leader Tom Daschle (D.–S.D.) and his colleagues have demanded not only supplementary detailed responses to political inquiries, but also Mr. Estrada's confidential memoranda written while he was an assistant solicitor general. Every living solicitor general, Democratic and Republican, has gone on record to oppose this unwarranted intrusion into the deliberative process in the Justice Department. And the Bush administration has been correct to resist Democratic demands.

Make no mistake: Senate Democrats are worried that President Bush might nominate conservative lawyers and jurists to the federal bench. But that is no reason to reject a highly qualified nominee. Just as Bill Clinton appointed judicial liberals to the federal bench—including three Supreme Court justices—it stands to reason that Mr. Bush will nominate conservatives.

The process is called democracy. Democrats may not like the results of the 2000 presidential election, but their recourse is to win back the White House in 2004, not to subject distinguished nominees like Miguel Estrada to political torture.

And after all, judicial nominations are for life, and no president can be clairvoyant. When Franklin Roosevelt nominated Felix Frankfurter for the Supreme Court in 1939, he had no idea that Justice Frankfurter would evolve into one of the court's leading conservatives. And when the first George Bush nominated David Souter for the court in 1989, he might have changed his mind if he had known that Justice Souter would become one of the court's reliable liberals.

The point about Miguel Estrada is not that he may or may not harbor conservative judicial opinions. The point is that he is an inspiring American success story, a brilliant scholar, a distinguished public servant and an outstanding lawyer. For Senate Democrats to talk down his nomination is not just embarrassing, but outrageous.

[From the Grand Forks Herald, Feb. 15, 2003]

EDITORIAL: STOP THE FILIBUSTER

Our View: Senate Democrats should let Miguel Estrada's name come up for a floor vote.

There are two responsible ways for Senate Democrats to keep conservative lawyers off of the federal bench.

The first is for Democrats to regain a majority in the Senate. The second is to convince a few Republicans to vote against those nominees on the floor. Both of those methods use politics' most-respected and time-honored technique: persuasion—persuading voters in the first case, colleagues in the second, of the strength and power of your argument.

In the U.S. Senate, however, there's also a coercive and borderline-irresponsible method for the minority party to have its way. That method is the filibuster. Senate Democrats are staging one now against Miguel Estrada, an appeals court nominee.

They should back off and let the Senate vote.

A filibuster is a delay that can't be broken without a supermajority's consent. Now, at times in a democracy, a ''tyranny of the majority'' may arise that principled senators feel they must resist. This isn't one of those times. Estrada is neither a criminal, nor a spy, nor a hack whose nomination sprang from backroom deals where money changed hands.

Just the opposite: He is, by every account, a living, breathing embodiment of the American dream. An immigrant from Honduras, Estrada spoke little English when he came to the United States at age 17. Yet, he graduated with honors from Harvard Law School, clerked for a Supreme Court justice and built an honorable and exemplary career.

He's also a judicial conservative. And if there's one thing that drives some Democrats berserk, it's a person from an ethnic minority background who strays from the party line.

That's why the Democrats are filibustering. That's why they're holding up matters of real-life war and peace. That's why they're thwarting the majority's will and asserting an anti-democratic veto power on a matter of congressional routine.

And that's why they ought to back off.

Because frankly, those reasons are politics, nor principle. And politics isn't enough.

[From the Chicago Sun-Times, Feb. 14, 2003]

WHEELS OF JUSTICE CAUGHT IN WASHINGTON GRIDLOCK, AGAIN

''The time has come for the U.S. Senate to stop playing politics with the American judicial system. So bad has the situation become that some Americans wonder whether justice is being hindered . . .'' So began an editorial on this page five years ago, during the now-distant days of the Clinton administration, when Senate Republicans were stonewalling judicial nominees from a Democratic president.

We mention it because the party in power tends to scream about efficient government, while the party out of power complains about failure to follow procedure. To quote Shakespeare, ''A plague on both their houses.'' The only update we'd make in the opening quote is to change ''some Americans'' into ''many Americans'' or even ''most Americans.'' For who can look at the spectacle of the 108th Congress and not believe that both justice and the basic operation of the nation is being sacrificed on the altar of ugly, obstructionist, partisan politics?

After dragging their feet on shifting committee chairmanships and the routine operations of the nation's business, Senate Democrats, though in a minority, are threatening to filibuster over the confirmation of Miguel Estrada, a Washington lawyer who seems eminently qualified for the federal appeals bench in every way except for his alacrity to answer questions about his opinions on legal matters that have not yet been presented to him, such as the issue of abortion.

The entire idea behind disabling the business of the nation is so that the blame for whatever bad situation we find ourselves in come election 2004 can be laid at the feet of the Republicans, since they are in power. But the Democrats forget that, if they manage to torpedo the Republican agenda, then the Republicans are not really fully in power, and whatever problems are certain to come are the fault of both parties. And obstructionism hurt Democrats in last November's voting.

President Bush called the Democratic approach ''shameful politics.'' We are not revealing a bias when we agree—the nation needs good judges, from both parties, of both conservative and liberal outlooks. Our legal system cannot and must not be held hostage to political nitpicking. Estrada deserves to be the first Hispanic on the U.S. Court of Appeals for the District of Columbia, and if his nomination in some way helps to break the political deadlock keeping critical judgeships from being filled, that will be just another accomplishment to add to his record.

[From the Rochester Democrat and Chronicle, Feb. 7, 2003]

THE ESTRADA NOMINATION

Yet another fight over a judicial nominee should not descend to filibuster.

The oft-heard scuttlebutt around Washington is that Congress is a far less congenial place now than 20 years ago. Partisanship, once a coin of the realm, is today the only currency that matters.

The truth of that troubling assessment shows most tellingly in the drag-out fights over judicial nominees. It used to be that the opposing party, once in power, would get its appointments. No longer.

Led by Sen. Chuck Schumer, Senate Democrats, who narrowly lost a Judiciary Committee vote on U.S. Court of Appeals nominee Miguel Estrada, are threatening a filibuster to prevent a floor vote on the nomination. Estrada's sin? He was unresponsive to the committee's questions regarding past causes and other issues.

It's a smokescreen. The Democrats know Estrada's legal record, and it's a good one.

To suggest tha the needed to answer the questions to establish his credentials is disingenuous. There's more than enough known about Estrada for an up-or-down floor vote.

A filibuster could make partisanship history—never before has the Senate prevented a lower-court confirmation via filibuster. The Democrats have a duty to ask tough questions and to base their votes on the answers, or lack of them. But they also have a duty to live by the final tally—not delay its taking with divisive filibuster.

[From the Detroit News, Feb. 10, 2003]

U.S. SENATE SHOULD FORGET JUDICIAL CANDIDATE FILIBUSTER

IT'S TIME TO END VENDETTAS AND REVENGE IN JUDICIAL NOMINATIONS

U.S. Senate Democrats' threat to filibuster President George W. Bush's nomination of Miguel Estrada to the U.S. Court of Appeals in Washington, D.C. would further poison an already badly damaged judicial nomination process.

Both parties share the blame for the wrecked process. But Senate Democrats are now engaging in revenge for bad GOP behavior in the second term of former President Clinton, when Republicans stalled votes on a number of his nominees, ultimately derailing them when Bush gained the presidency. Until the GOP regained the Senate last November, they tied up a number of Bush nominations in committee.

Now, the Democrats have a chance to rise above partisan political hackery and end this stupid game. Instead, they are seriously considering making the situation worse.

Miguel Estrada is a well-regarded native of Honduras who served in the office of U.S. solicitor general under both former Presidents Clinton and George H.W. Bush. The solicitor general represents the U.S. government before the Supreme Court.

Estrada has personally argued 15 cases before the nation's highest court. He has been unanimously rated ''well-qualified'' by the

American Bar Association—which Senate Democrats declared would be the ''gold standard'' by which they would assess judicial nominees when they controlled the Senate.

Estrada's nomination was one of those bottled up in committee. With the GOP in control, his nomination has now been voted out to the Senate floor. The nomination is drawing more than the usual interest because Estrada, 42, is considered a strong possibility for eventual nomination to the U.S. Supreme Court by President Bush.

Senate Democrats are deciding just how much they want to obstruct the president's nominees. A filibuster can only be broken by 60 votes—9 votes more than is usually required for a nominee to be approved. Reportedly, a filibuster has never before been used to block an appointment to the U.S. Court of Appeals.

Democrats complained that Estrada, during his committee hearings, declined to tell them his positions on particular issues. It is a violation of the canons of judicial ethics for potential judges to do that.

Democrats also demanded that he produce his memos and recommendations while he was in the solicitor general's office—which had never been done for any other candidate who had been an assistant in that office. The demand was rejected not only by Estrada, but by every former solicitor general still living, including those who served Democratic presidents.

The level of obstruction his nomination has faced has been truly extraordinary. Michigan Sens. Carl Levin and Debbie Stabenow—who are running their own vendetta in blocking four Bush nominees to the Court of Appeals in Cincinnati—shouldn't be a part of it. That would be an insult to their Hispanic constituents.

Estrada should have his nomination put up for an ordinary vote, as have all his predecessors. If he loses, fair enough. But as filibuster would signal an unreasonable posture by Democratic senators that could have long-term—and damaging—consequences for how business is conducted in the U.S. Senate.

Mr. HATCH. I agree with these newspapers that the perpetuation of this filibuster against Mr. Estrada's nomination is extremely unfair. It is unfair to the majority of the Members of the Senate who stand prepared to vote on Mr. Estrada's nomination. It is certainly unfair to Mr. Estrada, whose life is in limbo while the Senate engages in its endless debate. It is unfair to the American people, who have a justified expectation that the Senate will vote on Mr. Estrada's nomination and move on to debate and consider other important business.

The solution is not to protract debate, upon which some of my Democratic colleagues insist. The solution is not to go on a fishing expedition for privileged, confidential memoranda Mr. Estrada once authored on appeal recommendations, certiorari recommendations, and amicus curiae recommendations. The solution is not to demand answers to questions that Mr. Estrada already addressed when the Senate was under Democratic control. The solution is for Senators to vote on Mr. Estrada's nomination. Vote for him or vote against him. Do what your conscience dictates. Just vote—exactly what the Washington Post has called upon us to do.

Mr. President, I have additional remarks, but I notice the distinguished Senator from Georgia is here. I note that he wants to give some remarks and I am happy to interrupt my remarks for that purpose. I know he has an important message he would like to give. I am happy to interrupt my remarks for him.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MILLER. Mr. President, I ask unanimous consent to proceed in morning business as in legislative session for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HILLBILLIES

Mr. MILLER. Mr. President, I rise this morning—and I appreciate the generosity of the Senator from Utah and the Senator from Vermont in giving me this opportunity—to get something off my chest.

CBS Television is currently planning what that great company calls ''a hillbilly reality show.'' I would like to say a few words about that as a Senator who happens to be a hillbilly.

I can call myself that, Mr. President, but please don't you call me that, for ''hillbilly'' is a term of derision that was first coined in April of 1900 when the New York Journal had an article on ''Hill Billies'' with this description:

> A free and untrammeled white citizen who lives in the hills, has no means to speak of, talks as he pleases, drinks whiskey when he gets it and fires off his revolver as his fancy strikes him.

The description has not improved very much over the past 100 years. White minstrel shows depicting these ignorant creatures played to laughing audiences in New York and Chicago in the 1920s and 1930s.

After a man named Al Capp saw one, he dreamed up the comic strip ''Li'l Abner'' who lived in a place called Dogpatch with a mama who smoked a pipe and a girlfriend named Daisy Mae who ran around barefooted and half naked. It was a riot, and it made Al Capp a fortune.

A short time later, Snuffy Smith, a wife abuser with his ever-present jug of moonshine, also appeared in comic strips around the Nation. Then came Ma and Pa Kettle in the movies and the Beverly Hillbillies on television. Even the contemporary poet and author James Dickey has contributed to this false image of mountain people by portraying them as depraved cretins in his popular book and movie ''Deliverance.''

My neighbors and I have lived with this ridicule and overdrawn stereotype all of our lives, as did our parents and their parents before them. My roots run very deep in the Appalachian Mountains of North Georgia where I was born and raised and always have made my home. It is where my children, grandchildren, and great grandchildren live today.

My ancestors were among the very first mountain settlers. They were descendants of the Scotch-Irish who were driven out of Northern Ireland by the Stuart Kings. They landed in Maryland and Virginia and migrated westward as far as the hostile Indians and French would allow, and then moved southward into the heart of a region of rugged mountains and beautiful valleys we now know as Appalachia.

They were accompanied and followed by the Huguenots, Pennsylvania Quakers, Palatine Germans, and various dissatisfied Protestant sects.

These mountain people were the very first Americans to fall back on their own resources as they settled in isolation from the remainder of the Nation and the world.

Their language, customs, character, possessions, knowledge, and tools were isolated with them and suspended in time, an unchanging microcosm of early American thought, culture, and mores.

These mountaineers possessed the qualities that formed the fundamental elements of pioneer American character: love of liberty, personal courage, a capacity to withstand and overcome hardship, unstinted hospitality, intense family loyalty, innate humor, and trust in God.

It could be said that if they had one overriding characteristic, it would have to be independence. They developed as extreme, rugged individualists who never closed their doors, had inherent self-respect, were honest and shrewd, knew no grades of society, and had unconscious and unspoiled dignity. They were utterly without pretension or hypocrisy.

When the Civil War came along, it was this area of the Mountain South that opposed secession, for there were no vast plantations in the mountains of the South and very few slave owners among those poor people. Some even fought on the side of the Union, with families sometimes divided over that terrible conflict.

Later, when the wars of the 20th century came along, it was the families in the mountains of the South who sent a disproportionate share of their young men who volunteered to fight in distant lands, far away from their peaceful valleys.

When this country was threatened to be torn apart over Watergate, it was two great Members of this Senate from opposite parties but the same part of the country who helped keep this Nation on an even keel: Democrat Sam Ervin from the mountains of North Carolina and Republican Howard Baker from the mountains of Tennessee.

I am very pleased and proud that these are my people, and I find that one of the great ironies of history is that while the cowboy, another type of frontiersman, has been glorified, the mountaineer—the first frontiersman—has been ridiculed and caricatured in the image of a Snuffy Smith.

Why am I going into all of this? Because now in the 21st century—the enlightened 21st century—there are plans underway for a new hillbilly minstrel show using the same old stereotype, denigrating, laughing at, and ridiculing this group of people.

CBS calls it a reality show—CBS, the once proud and honorable broadcasting company that brought us Edward R. Murrow and that unforgettable program of his, ''The Harvest of Shame.''

In the sixties, brave and courageous CBS reporters risked their lives to cover the civil rights struggles in the South, and for decades, CBS's ''60 Minutes'' has set the standard for all of television. But today in this money-grubbing world, CBS, it seems, has become just another money-grubber.

It is now part of the giant Viacom. CBS has a CEO named Mr. Les Moonves, the man who is pushing this program-to-be; a man who obviously believes that network television is an ethics-free zone and that it is acceptable for big profits to always come ahead of good taste.

I do not know Mr. Moonves, but from his actions, it seems he is a person who cares little about human dignity and believes television has no social responsibility. I suppose we should not be surprised, for his ilk have been around long before the creators of Li'l Abner and Snuffy Smith. Since the beginning of civilization, there have always been some Homo sapiens who, it seems, had to have someone to look down upon, some group to feel superior to. For this kind of person, it is as basic to their human nature as the drive to reproduce or the urge for food and water. They were there in the time of the Greeks. They were there in the time of the Romans. They can be found all through the Bible. That is what the parable of the Good Samaritan is all about.

Jesus was very concerned about how the rejects of society were looked down upon and warned us about ''a haughty spirit'' and an ''unkind heart.''

Shakespeare wrote about them as did Dickens and Steinbeck and Faulkner. And songwriter Merle Haggard, who knew personally how it felt, wrote that memorable line ''another class of people put us somewhere just below, one more reason for my mama's ''Hungry Eyes.''

This country was not meant to be this way. We are supposed to be better than that. More than two centuries ago, Moses Sexius was the warden of the Hebrew Congregation of Newport, RI.

He wrote hopefully to the President of this new Nation of his delight at the birth of a government ''which to bigotry gives no sanction, to persecution no assistance, but generously affords to all liberty of conscience.''

That new President, George Washington, wrote back.

Here is a copy if the letter affirming that the Government of the United States ''would give to bigotry no sanction, to persecution no assistance.'' That was Washington's dream for this country.

What CBS and CEO Moonves proposed to do with this Cracker Comedy is ''bigotry'' pure and simple. Bigotry for big bucks. They will deny it. They will say it is just harmless humor. But they know better and they feel safe.

They know the only minority left in this country that you can make fun of, demean, humiliate, put down and hardly anyone will speak up in their defense are hillbillies in particular and poor rural people in general. You can ridicule them with impunity.

Can you imagine this kind of program being suggested that would disrespect an African American family or denigrate a Latino family? Years ago, the program Amos and Andy was removed from television—as it should have been—because it was in poor taste and made fun of a minority.

In this wonderful and diverse country today, one of every six Americans speaks some other language other than English in their homes. In my home State of Georgia, their number has more than doubled in the past decade. I believe that may be the largest increase in the Nation.

From the red clay hills of Georgia to the redwood forests of California, all of us are struggling to answer the simple question: Can't we all get along?

And that daunting challenge, can't we live our lives as if we are all created equal? All of us: we eat, we sleep, we have strengths and weaknesses; we have dreams and anxieties. A tear knows no race, no religion, no color. A tear has no accent. We all cry in the same language.

Many years ago, the rabbis were asked why was it that in the beginning God created just one man, Adam, and one woman, Sa-ba, or Eve. Surely, God could have created multitudes.

The rabbis answered that only one man and one woman were created to help us all remember that we all came from the same mother and father. So no one should ever say, ''I'm better than you, ''and no one should ever feel, ''I'm less than you.''

CBS, Viacom, Mr. Moonves: I plead with you to call off your hillbilly hunt. Make your big bucks some other way. Appeal to the best in America not the worst. Give bigotry no sanction.

For no one—not even a rich and powerful network like CBS—should ever use the airwaves of this Nation to say to one group of people in God's image, ''We're better than you.''

And no one, Mr. Moonves, no one should ever be made to feel, ''they're less than you.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Georgia for his comments.

The Senator from Utah has spoken and will be coming back, and so I am going to speak about the Estrada nomination, the matter at hand. I say what everybody knows, especially those of us like the distinguished Presiding Officer, who have practiced law, becoming a Federal judge for a lifetime is a privilege. It is not a right.

No nominee should be rewarded for stonewalling the Senate and the American people. The Constitution directs Senators to use its judgment in voting on judicial nominees. It does not direct them to rubberstamp. It says ''advise and consent,'' not advise and rubberstamp.

During the 17 months that the Democrats were in control of the Senate, we confirmed a record 100 of President Bush's judicial nominees. Interestingly enough, no judicial nominees of President Bush's had been confirmed up to mid-July when I took over as chairman of the committee. Within 10 minutes of taking over as chairman of the committee, I called the first confirmation hearing, and in 17 months we set a record of moving nominations. We certainly acted faster, and I believe more fairly, than the Republicans did for President Clinton.

President Bush also has proposed several controversial nominees like Miguel Estrada. They divide the American people and the Senate. The President, of course, could easily end this impasse. I hope he will act to give Senators the answers they need to make informed judgments about this nomination. That was suggested by one of the most distinguished and senior Republican Members of this Senate. So far it has been rejected by the White House. I hope they will reconsider. The President can also help by choosing mainstream judicial nominees who can unite instead of divide the American people.

Unfortunately, the White House seems to have this attitude that they should divide and not unite, and I think that is a mistake. One of the unfortunate aspects of the President's determination to pack the Federal courts with extreme conservatives is a division that the nomination of Miguel Estrada has caused among Hispanics. Rather than nominate someone whom all Hispanic Americans would support, the President has chosen to divide rather than unite. The White House's ideological litmus test has motivated the President to select another highly controversial nominee rather than a consensus nominee.

Over the last several days, the division within the Hispanic community has been the subject of a number of news reports. On February 14, the Washington Times ran a front page story quoting a statement for the National Council of La Raza noting that since the Latino community is clearly divided on the Estrada nomination, we find the accusation that one side or another is anti-Latino to be particularly divisive and inappropriate.

The division was likewise noted in the Boston Globe on February 15, in a story by Wayne Washington. And on February 20, the Washington Post

noted the division in a story by Darryl Fears.

I ask unanimous consent that some of the articles on this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Feb. 15, 2003]

LATINOS BITTERLY DEBATE ESTRADA NOMINATION

(By Wayne Washington)

WASHINGTON.—President Bush's nomination of Miguel Estrada for a federal judgeship has exposed sharp divisions among Latinos, who are weighing the possibility of having one of their own on a fast track to the US Supreme Court against a fear that the minority group's interests could be harmed if the Senate confirms that the conservative lawyer of Honduran descent.

In the divisive intra-ethnic battle, some Latinos have challenged Estrada's allegiance to the Hispanic community, an accusation that others have sharply criticized. Each side has at times accused the other of being anti-Latino. The debate has gotten so nasty on Spanish-language television and over the Internet that this week the National Council of La Raza, a Latino group that says it is neutral on Estrada's nomination, called for both sides to tone down their language.

''We urge those who are engaging in name-calling and accusatory language to instead focus on the substantive issues and merits of this nomination,'' the group said in its statement. ''Since the Latino community is clearly divided on the Estrada nomination, we find the accusation that one side or another is 'anti-Latino' to be particularly divisive and inappropriate.''

Estrada's nomination to the Court of Appeals for the District of Columbia has been endorsed by the Hispanic Bar Association, US Hispanic Chamber of Commerce, the Latino Coalition, and the League of United Latin American Citizens, which is comparable to the NAACP. Opposed are the Mexican American Legal Defense and Education Fund, the Puerto Rican Legal Defense and Education Fund, and the Congressional Hispanic Caucus, whose members are Democrats.

Bush nominated Estrada in May 2001, but Senate Democrats blocked his approval. This week, they stalled the nomination by threatening a filibuster. Estrada, 42, would be the first Latino on the D.C. Appeals Court, where six of the nine justices currently on the Supreme Court once served. Only 12 of the 154 judges on federal appeals courts are Latinos; one has never served on the nation's highest court.

Some observers have compared the volatile debate to dissension among African-Americans when President George H.W. Bush nominated Clarence Thomas—then a member of the D.C. Court of Appeals—to the Supreme Court.

''There are similar fault lines,'' said Lisa Navarrete, spokeswoman for the National Council of La Raza, a nonprofit Hispanic group that fights poverty and discrimination. ''Some people said Clarence Thomas is African-American and would be the only one on the court. He deserves our support. Others felt that his views would be harmful to the community. That's exactly what's happening here.''

Born in Honduras, Estrada immigrated to the United States with his family as a teenager, graduated magna cum laude from Columbia College, and earned a law degree from Harvard, where he was an editor of the Harvard Law Review. He went on to work as an assistant US attorney in New York and an assistant to the solicitor general during the Clinton administration. Currently, he is a partner in the Washington office of Gibson, Dunn & Crutcher.

His ethnicity and academic and legal record have been enough to win the support of some Latinos, while critics maintain that Estrada, a member of the conservative Federalist Society, has not clearly spelled out his judicial philosophy. He clerked for Justice Anthony M. Kennedy, a member of the conservative majority on the Supreme Court.

''That Miguel Estrada is of the Hispanic culture counts far more than the fact that he is a Republican or a Democrat,'' said Tina Romero-Goodson, a social service official in New Mexico. ''What weighs heavily with me is that he is Hispanic and will have far more in common with me and mine than a Democratic Anglo or African-American candidate.''

Representative Robert Menendez, Democrat of New Jersey, said Estrada ''shares a surname'' with Latinos but has done little to help them.

''Mr. Estrada said he is unfamiliar with cases that are important to our community,'' Menendez said. ''He has said that his being Hispanic would be irrelevant to his role as a judge. I don't want it to be irrelevant, and neither does the community.''

That stark call to ethnic solidarity outrages other Latinos.

''I think it's just shameful,'' said Robert G. de Posada, president of Latino Coalition, a nonprofit Washington-based policy group. ''There is no other way to describe it.''

De Posada said Menendez and other congressional Democrats are trying to portray Estrada as a well-off lawyer ''who never had a problem in his life.''

Of Menendez, de Posada added: ''He's a Cuban-American who looks completely white. I wonder: Has he faced the racism and isolation that other Hispanics have faced? Can you challenge his Hispanic-ness? I would never do that. He's a success story. But so is Miguel Estrada.''

Pierre M. LaRamee, acting president of the Puerto Rican Legal Defense and Education Fund, said Republicans have attempted to portray Estrada as ''a Latino Horatio Alger.'' That portrayal, LaRamee argues, makes it proper to question just how representative he is of Latino communities.

''He didn't come from a poor, disadvantaged background,'' La Ramee said. ''He came from a background of relative privilege. Of course, that's nothing negative about Miguel Estrada. He's been successful. . . . We'd rather have a non-Latino judge who we believe would be a better judge.''

Supporters point out that Estrada did pro bono legal work on antiloitering laws that some Latino community group leaders believe led to the harassment of black and Latino men.

Latinos who are not of Mexican-American descent have said Estrada would get more support from Latinos if he were part of it. Mexican-Americans are the largest subgroup of Latinos in the United States.

''There's a dirty little secret in the Hispanic community,'' said Jennifer Braceras, a member of the U.S. Commission on Civil Rights. ''There's a real intra-Hispanic community rivalry. There's a real feeling in the Mexican-American community that the first Latino Supreme Court nominee should be Mexican-American.''

Not true, said Marisa Demeo, regional counsel for the Mexican American Legal Defense and Education Fund. ''It has nothing to do with his ethnicity,'' she said. ''It has to do with how he would be as a judge.''

Democrats are expected to resume their filibuster of Estrada's confirmation when the Senate returns from a recess on Feb. 24.

[From the Washington Post, Feb. 20, 2003]

FOR HISPANIC GROUPS, A DIVIDE ON ESTRADA

POLITICAL, GEOGRAPHIC FAULT LINES EXPOSED

(By Darryl Fears)

When he spoke in support of federal judicial nominee Miguel Estrada at a recent news conference, Jacob Monty masked his harsh criticism of opponents in Spanish. He said Latinos who are fighting against the Bush administration's choice for a judgeship on the U.S. Court of Appeals for the District of Columbia Circuit ''no tienen vergüenza''—have no shame.

That comment by Monty, a former chairman of the Texas-based Association for the Advancement of Mexican Americans, was just one shot in a bitter war of words that has divided Latino politicians and civil rights organizations in ways rarely seen.

It followed one fired by Rep. Robert Menendez (N.J.), a member of the Democratic Congressional Hispanic Caucus, which opposes the nominee. ''Being Hispanic for us,'' Menendez said, ''means much more than having a surname''—a statement his critics understood to imply that Estrada is not ''Hispanic enough.''

The name-calling has reminded some observers of the bitterness among African Americans during the Senate confirmation hearing for Supreme Court Justice Clarence Thomas—a hearing that Thomas, a conservative black man, likened to a lynching after liberal activists persuaded Anita Hill, a former assistant, to come forward with sexual harassment allegations against him.

Latino activists have differing perceptions of who Estrada is and what kind of judge he would be.

Estrada's supporters say is a Latino success story, immigrating as he did from Honduras at age 17 and going on to graduate from Columbia College at Columbia University and Harvard Law School, and clerking for Supreme Court Justice Anthony M. Kennedy. He is now a partner with the District law firm of Gibson, Dunn & Crutcher and a nominee for a judgeship on what is considered the nation's second most powerful court because it has jurisdiction over all appeals regarding federal regulatory agencies.

Opponents question whether Estrada appreciates the interests of poor people—his family came from the Honduran elite—and say his conservative politics would color his decisions on the bench. They say Estrada has a low regard for hard-won civil rights protections that benefit Latinos.

Ideological wars over federal judicial nominations are nothing new, but the fight among Latinos offers a small window on how what will soon be the nation's largest ethnic minority is divided by ideology and geography.

Of the Latino community's three most influential groups, each has taken a different position on Estrada's nomination. The League of United Latin American Citizens, based in Texas, supports it; the Mexican American Defense and Educational Fund, in California, opposes it, and the National Council of La Raza, in Washington, has remained neutral.

The fuse for the current debate was lit in June, when members of the Congressional Hispanic Caucus met with Estrada in the basement of the Capitol. Rep. Charlie Gonzalez (D–Tex.) said the nominee at first looked uncomfortable as he stared at the faces of 16 Democrats across the long boardroom table.

''We wanted to make sure the nominee . . . appreciates what the court system means for Latinos,'' Gonzalez said recently. Estrada was not available for comment.

''We wanted him to give us some idea of how the role of a judge impacts minority communities, and it just wasn't there.''

Two weeks later, the caucus returned a recommendation opposing Estrada's nomination to the Senate Judiciary Committee, then controlled by Democrats. Latino civil rights groups read the recommendation, then met among themselves.

In October, the League of United Latin American Citizens (LULAC) voted to support Estrada.

''It was just very difficult for us not to support the guy, given his impeccable credentials,'' said Hector Flores, president of the Texas-based group. ''It's the American dream, rising up from Honduras the way he has. The battle isn't whether he's conservative; it's that he represents Latinos, whether we like him or not.''

Flores said the vote to support Estrada was overwhelming, but in recent days the California state delegation of LULAC broke away from the national group in opposing the nominee. In a Feb. 12 statement, a former president of LULAC, Mario Obledo, opposed the nominee because of his ''sparse record'' on civil and constitutional rights issues, and because he declined to answer questions about his record in Senate hearings.

LULAC's overall support was backed by Monty, the former chairman of AAMA. His assertion that Estrada's opponents were shameless was broadcast on C–SPAN and remembered by Flores, who was present. Monty did not return several calls seeking comment.

President Bush tried to keep up the pressure yesterday by giving an interview by the Spanish-language Telemundo network, and vigorously urged senators to confirm Estrada.

Sen. Orrin G. Hatch (R–Utah) recently said that Estrada's Democratic opponents were ''anti-Latino,'' and brought howls from his liberal colleagues and from leaders of Latino organizations across the land.

Marisa Demeo, regional counsel for the Los Angeles-based Mexican American Legal Defense and Educational Fund, said Hatch failed to mention three Latinos nominated for judgeships by the Clinton administration whom Republican senators opposed. Those nominations—of Jorge Rangel, Enrique Moreno and Christine Arguello—were returned to President Bill Clinton without a hearing or vote.

Demeo said LULAC and AAMA back Estrada for cosmetic reasons. ''Because he's Latino, they would support him,'' she said. ''They've been very strong in thinking there should be a Latino sitting on the D.C. Circuit, and we say it is important, but not as such a cost.''

The cost, she said, would be the weakening of civil rights laws. ''The groups opposing have taken the analysis a step further,'' Demeo said. ''We look at the record to determine what kind of judge Mr. Estrada would be.''

MALDEF is supported by the Puerto Rican Legal Defense and Educational Fund, the Southwest Voter Registration Project and the Hispanic caucus, among other groups.

''I don't know why the administration put up Estrada,'' said Antonio Gonzalez, president of the Southwest Voter Registration Project. ''He was marked as a right-wing ideologue some time ago. Clearly, that is a tactic by the Bush administration . . . not to really embrace issues that are important to Latinos, but to try symbolic measures.''

Mr. LEAHY. Hispanic lawmakers and leaders, including Representative XAVIER BECERRA, Representative LUCILLE ROYBAL-ALLARD, Representative GRACE NAPOLITANO, Representative ROBERT MENENDEZ, Representative CHARLIE GONZALEZ, and Los Angeles County supervisor Gloria Molina have all spoken publicly about their opposition to this nomination.

I ask unanimous consent a recent news account of their statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LATINO POLITICIANS SPLIT ON ESTRADA

POLITICS: GROUPS APPLAUD, PAN BUSH'S NOMINATION TO SECOND-HIGHEST COURT IN U.S.

(By Mike Sprague)

LOS ANGELES.—President Bush's nomination of Miguel Estrada to the Washington, D.C., Court of Appeals is splitting this area's Latino politicians.

On Friday, Los Angeles County Supervisor Gloria Molina and U.S. Rep. Grace Napolitano, D–Santa Fe Springs, joined a news conference held by the Congressional Hispanic Caucus to denounce Estrada and oppose his Senate confirmation to the second-highest court in the United States.

''When this gentlemen came before us, we asked specific questions and he had very little offer,'' said Napolitano, vice chairwoman of the 20-member caucus. ''He really was a blank page. This could be our Latino Clarence Thomas.''

But Assemblyman Robert Pacheco, a Republican from the City of Industry, who was reached by telephone later in the day Friday, accused the caucus of taking a partisan stand.

''They don't represent the entire Latino community,'' he said. ''I'm very upset with the way they're approaching it, because of the partisan nature.

''What an opportunity for the Latino community to have someone in that position who has earned his stripes, having risen from poverty.''

The news conference was held at the Mexican-American Legal Defense and Educational Fund's office in Los Angeles. The organization also is opposing confirmation.

The Senate Judiciary Committee recently approved the nomination, but some Senate Democrats since then have launched a filibuster to prevent a vote.

Estrada has served as assistant U.S. solicitor and an assistant U.S. attorney.

Napolitano said that caucus members had interviewed Estrada, and he hadn't responded favorably to their questions on whether he had worked with any minority organizations or on behalf of minorities and if he had been involved as a volunteer.

Estrada said no to the questions, she said.

Rep. Lucille Roybal-Allard, D–Los Angeles, said that Estrada shouldn't be confirmed to the court just because of his ethnic origin.

''We have worked very hard to ensure that Latinos are nominated to high positions in the country,'' Roybal-Allard said. ''Just because someone has a Hispanic surname doesn't automatically qualify him for any position.''

Boyal-Allard also denied the caucus was acting for partisan reasons.

''Out of all the nominees, President Bush has appointed, this is the first time we have been opposed,'' she said. ''We're opposed to Miguel Estrada based on his lack of qualifications.''

HISPANIC LAWMAKERS FROM CALIFORNIA OPPOSE BUSH'S COURT NOMINEE

(By Paul Chavez)

LOS ANGELES.—Hispanic lawmakers from California stepped up their campaign Friday against the first Hispanic to be nominated for a spot on an important federal appellate court.

Three Democratic members of the Congressional Hispanic Caucus and representatives from two advocacy groups said lawyer Miguel Estrada, 41, has refused to answer key questions about his position on cases, his background and other key issues.

''Ethnic origin is no automatic pass to becoming a judge on the federal judiciary, you have to be qualified,'' said Rep. Xavier Becerra, D–Los Angeles.

Estrada's nomination by President Bush has been held up in the U.S. Senate Judiciary Committee, with Democrats launching a filibuster to stall a full Senate vote until Estrada answers more questions and provides documents from his work with the Department of Justice.

Estrada was nominated in May 2001 by Bush for a seat on the U.S. Court of Appeals for the District of Columbia, which has been a steppingstone for three current justices on the U.S. Supreme Court.

Estrada, a partner in the law firm that worked with Bush during the Florida election recount, came to the United States at age 17 from Honduras. He graduated from Harvard Law School in 1986 and has argued 15 cases before the Supreme Court.

Republicans have accused Democrats of treating Estrada unfairly because he is a conservative Hispanic.

Rep. Lucille Roybal-Allard, D–Los Angeles, said the decision to oppose Estrada's appointment was not easy.

''This was a particularly difficult and disappointing decision that had to be made given the fact that the Hispanic caucus actively works long and hard to promote the appointment of more Latino judges,'' she said.

The Hispanic caucus decided to oppose Estrada after interviewing him, Roybal-Allard said.

''Unfortunately, he did not satisfactorily answer any of our questions with regard to his experience or sensitivity or commitment to ensuring equal justice and opportunity for Latinos,'' she said.

Rep. Grace Napolitano, D–Norwalk, said Estrada told the caucus that he has not done any work on behalf of minority organizations. She said such work was important since Estrada ''could be our Latino Clarence Thomas.''

The Congressional Hispanic Caucus, which is made up exclusively of Democrats, along with the Mexican American Legal Defense and Educational Fund have previously stated their opposition to Estrada's appointment.

The California branch of the League of United Latin American Citizens also said Friday it was opposed to his nomination, although its national leadership has supported Estrada. His nomination also has been supported by the U.S. Hispanic Chamber of Commerce.

Democrats have sought documents written by Estrada when he worked in the Justice Department's Solicitor General's Office. But White House counsel Alberto Gonzales told senators in a letter Wednesday that the administration would not release the documents, which are normally not made available.

All of the living former solicitors general—four Democrats and three Republicans—have agreed with the White House position, Gonzales said.

Mr. LEAHY. The Congressional Hispanic Caucus, the Mexican American Legal Defense and Education Fund, the Puerto Rican Legal Defense and Education Fund, the California Chapter of the League of United Latin American Citizens, Los Angeles County supervisor Gloria Molina, and Mario Obledo

oppose this controversial nomination. I am sure they do so out of principle. I know they do not relish opposing this nomination. These are organizations, individuals who have devoted their lives to improving the lives of Hispanic members. They worked for decades to increase representation of Latinos on the courts of our country.

It is because of the history and dedicated efforts and deep-seated commitment to the cause of equality for Hispanics I take their views seriously. I understand the Congressional Hispanic Caucus and the Puerto Rican Legal Defense and Education Fund came to their conclusion after a thorough review of the nomination but also after interviewing and meeting with the nominee.

Yesterday, we received a letter from 15 former presidents in the Hispanic National Bar Association, 15 well-respected national leaders of this important bar association, leaders who date back to the founding of the organization in 1972 have written to the Senate leadership to oppose this nomination. Their weighty opposition is based on the criteria to evaluate judicial nominees this association has formally used since 1991. It has been their standard practice for the past 30 years.

In addition to the candidates' professional experience and temperament, the criteria for endorsement also includes, ''one, the extent to which a candidate has been involved and supported and responsive to the issues, needs, and concerns of Hispanic Americans; and, two, the candidates' demonstration of the concept of equal opportunity and equal justice under law.''

In the view of the overwhelming majority of the living past presidents of the HNBA, Mr. Estrada's record does not provide evidence he meets those criteria. His candidacy falls short in those respects, they say.

Now the Hispanic National Bar Association has been at the forefront of efforts to increase diversity on the Federal bench. They have been at the forefront of the effort to improve public confidence among Hispanics and others in the fairness of the Federal courts. The most important thing in the Federal courts is the fairness, their integrity, their independence.

Time and time again I have asked, both when we have had nominees of Democratic Presidents and Republican Presidents, is this nominee somebody I believe I could walk into the court and be treated fairly? As a Democrat or Republican, whether as plaintiff or defendant, whether rich or poor, white or person of color, no matter what my religion, no matter what my background, would I be treated fairly?

During Democratic leadership of the Senate, we confirmed 100 of President Bush's nominees, and I voted for the overwhelming majority of them. When I was chairman, I moved his nominees through far faster than Republicans ever did for President Clinton when they were in charge, when they averaged only 39 confirmations per year during their six and one-half years of control of the Senate. But I set the same test. Sometimes to satisfy myself of the test I had to go to a hearing that lasted sometimes a day long to be sure. You have a conservative, I want to be sure they will be fair and not too much of an ideologue; the same way I did when I believed someone was too liberal and could be too much of an ideologue. I had to satisfy myself they would be fair.

Now, the HNBA has done the same. They want to make sure the Federal courts are independent and fair. They have supported Republican nominees as well as Democratic nominees. These 15 individuals, all of whom are past presidents of the Hispanic National Bar Association, people who have devoted a great deal of time in their legal careers to advancing the interests of Hispanics in the legal community, have felt compelled to publicly oppose the Estrada nomination.

I regret very much that the White House, instead of seeking someone who would unite the community, has brought in somebody who would divide the community.

Yesterday, Delores Huerta, who cofounded the United Farm Workers with Caesar Chavez, wrote a column in the Oregonian opposing Mr. Estrada's confirmation. I ask unanimous consent this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Oregonian, Feb. 24, 2003]

DOLORES C. HUERTA: ESTRADA WOULD DESTROY HARD-FOUGHT VICTORIES

(By Dolores C. Huerta)

As a co-founder of the United Farm Workers with Cesar Chavez, I know what progress looks like. Injustice and the fight against it take many forms—from boycotts and marches to contract negotiations and legislation. Over the years, we had to fight against brutal opponents, but the courts were often there to back us up. Where we moved forward, America's courts helped to establish important legal protections for all farm workers, all women, all Americans, Now, though, a dangerous shift in the courts could destroy the worker's rights, women's rights, and civil rights that our collective actions secured.

It is especially bitter for me that one of the most visible agents of the strategy to erase our legal victories is being called a great role model for Latinos. It is true that for Latinos to realize America's promise of equality and justice for all, we need to be represented in every sector of business and every branch of government. But it is also true that judges who would wipe out our hard-fought legal victories—no matter where they were born or what color their skin—are not role models for our children. And they are not the kind of judges we want on the federal Courts.

Miguel Estrada is a successful lawyer, and he has powerful friends who are trying to get him a lifetime job as a federal judge. Many of them talk about him being a future Supreme Court justice. Shouldn't we be proud of him?

I for one am not too proud of a man who is unconcerned about the discrimination that many Latinos live with every day. I am not especially proud of a man whose political friends—the ones fighting hardest to put him on the court—are also fighting to abolish affirmative action and to make it harder if not impossible for federal courts to protect the rights and safety of workers and women and anyone with little power and only the hope of the courts to protect their legal rights.

Just as we resist the injustice of racial profiling and the assumption that we are lesser individuals because of where we were born or the color of our skin, so too must we resist the urge to endorse a man on the basis of his ethnic background. Members of the Congressional Hispanic Caucus met with Miguel Estrada and came away convinced that he would harm our community as a federal judge. The Mexican American Legal Defense and Educational Fund and the Puerto Rican Defense and Education Fund reviewed his record and came to the same conclusion.

Are these groups fighting Miguel Estrada because they are somehow anti-Hispanic? Are they saying that only people with certain political views are ''true'' Latinos? Of course not. They are saying that as a judge this man would do damage to the rights we have fought so hard to obtain, and that we cannot ignore that fact just because he is Latino. I think Cesar Chavez would be turning over in his grave if he knew that a candidate like this would be celebrated for supposedly representing the Hispanic community. He would also be dismayed that any civil rights organization would stay silent or back such a candidate.

To my friends who think this is all about politicians fighting among themselves, I ask you to think what would have happened over the last 40 years if the federal courts were fighting against workers' rights and women's rights and civil rights. And then think about how quickly that could become the world we are living in.

As MALDEF wrote in a detailed analysis, Estrada's record suggests that ''he would not recognize the due process rights of Latinos,'' that he ''would not fairly review Latino allegations of racial profiling by law enforcement,'' that he ''would most likely always find that government affirmative action programs fail to meet'' legal standards, and that he ''could very well compromise the rights of Latino voters under the Voting Rights Act.''

Miguel Estrada is only one of the people nominated by President Bush who could destroy much of what we have built if they become judges. The far right is fighting for them just as it is fighting for Estrada. We must fight back against Estrada and against all of them. If the only way to stop this is a filibuster in the Senate, I say, Que viva la filibuster!

Dolores C. Herta is the co-founder of the United Farm Workers of America.

Mr. LEAHY. Here is what this Hispanic leader wrote:

It is true that for Latinos to realize America's promise of equality and justice for all, we need to be represented in every sector of business and every branch of government. But it is also true that judges who would wipe out our hard-fought legal victories—no matter where they were born or what color their skin—are not role models for our children. And they are not the kind of judges we want on the federal courts.

Miguel Estrada is a successful lawyer, and he has powerful friends who are trying to get him a lifetime job as a federal judge. Many of them talk about him being a future Supreme Court justice. Shouldn't we be proud of him?

I for one am not too proud of a man who is unconcerned about the discrimination that many Latinos live with every day. I am not especially proud of a man whose political

friends—the ones fighting hardest to put him on the court—are also fighting to abolish affirmative action and to make it harder if not impossible for federal courts to protect the rights and safety of workers and women and anyone with little power and only the hope of the courts to protect their legal rights.

Just as we resist the injustice of racial profiling and the assumption that we are lesser individuals because of where we were born or the color of our skin, so too must we resist the urge to endorse a man on the basis of his ethnic background.

Are these groups fighting Miguel Estrada because they are somehow anti-Hispanic? Are they saying that only people with certain political views are ''true'' Latinos? Of course not. They are saying that as a judge this man would do damage to the rights we have fought so hard to obtain, and that we cannot ignore that fact just because he is Latino. I think Cesar Chavez would be turning over in his grave if he knew that a candidate like this would be celebrated for supposedly representing the Hispanic community. He would also be dismayed that any civil rights organization would stay silent or back such a candidate.

I deeply resent the charges leveled by Republicans that those opposing this nomination are anti-Latino or anti-Hispanic. As we began this debate about 2 weeks ago, I urged Republicans who said such things to apologize for these baseless and divisive charges. They have yet to do so. Because they have not apologized for these baseless charges, it prompted the League of Latin American Citizens, an organization that has supported this nomination, to write to the Senate to protest the charges leveled without basis by Republicans. I emphasize the League of United Latin American Citizens, which supports Mr. Estrada's nomination, has written to the Senate to protest the charges of bias leveled without basis by some Republicans.

Hector Flares, the LULAC National President wrote on February 12:

[W]e are alarmed by suggestions from some of the backers of Mr. Estrada that the Senate Democrats and the members of the Congressional Hispanic Caucus are opposing his nomination because of his race, ethnicity or an anti-Hispanic bias. We do not subscribe to this view at all and we do not wish to be associated with such accusations.

LULAC has had a long and productive working relationship with many Senate Democrats and all of the members of the Congressional Hispanic Caucus and our experience is that they would never oppose any nominee because of his or her race or ethnicity. On the contrary, it is most often the Democratic members of the Senate who support LULAC's priority issues. . . .

I thank LULAC for disassociating itself with the base political efforts of Republicans to accuse those who oppose this nomination as doing so based on race or ethnicity. On the contrary, it is most often the Democratic Members of the Senate who support Hispanic priority issues.

I thank LULAC for disassociating itself with the base political efforts of some Republicans who accuse those who oppose this nomination of doing so based on race or ethnicity. I renew my request for an apology for all the statements made in connection with the Senate debate that suggest those opposed to this nomination are anti-Hispanic.

I think perhaps we should go back to a different time, a time when I first came to the Senate, when Republicans and Democrats assumed the best motives of patriotism and honesty on the part of each other; when you did not hear attacks made on people saying they are anti this race or that race or anti this religion or that religion. I am concerned.

I will speak only for myself, not for other Senators, but I look back at 29 years in the Senate, a record of one who I think has always stood for anti-discrimination, one who has a record where I have never questioned the race, ethnicity, or religion of anybody else. When I hear charges that opposition to a candidate, in this case opposition to a candidate that has divided the American people, is done on the basis of that person's race, I find that more than distasteful, I find it wrong. In the same way, I found wrong the attacks on my religion by some in the Republican Party because of opposition to 1 of this President's more than 100 nominees, especially since I made it very clear in my statements on this floor that I never once considered religion or the background of any nominee for anything—nominees from either Republican or Democratic administrations. Not in any of the thousands upon thousands of nominees of both Republican and Democratic Presidents that I voted for have I ever once considered their religious background. So I find it distasteful when my religion is attacked by members of the Republican caucus, and I find it distasteful when members of that caucus attack Democrats on the claim that their principled opposition to this nomination is anti-Hispanic. I think the largest Hispanic organization supporting Mr. Estrada made it very clear they resent it, too. I join with them on that.

We know Mr. Estrada's short legal career has been successful. By all accounts he is a good appellate lawyer and legal advocate. He has had a series of prestigious positions and is professionally and financially successful. In my case, as the grandson of immigrants, as a son, a father and grandfather, I know no matter the country of origin or economic background that a family takes pride in the success of its children. Mr. Estrada's family has much to be proud of in his accomplishments, no matter what happens to this nomination.

He is now 41 years old. He has a successful legal career in a prominent corporate law firm, which was the firm of President Reagan's first Attorney General, William French Smith, and that of President Bush's current Solicitor General, Ted Olson. I am told that Mr. Olson, along with Kenneth Starr, have been among Mr. Estrada's conservative mentors. At his relatively young age, Mr. Estrada has become a partner in the law firm of Gibson, Dunn & Crutcher, having previously worked with the Wall Street law firm of Wachtell, Lipton, Rosen & Katz.

While in private practice, his clients included major investment banks and health care providers. Mr. Estrada's financial statement, which Senator HATCH had printed in the CONGRESSIONAL RECORD, says he earned more than $½ million a year 2 years ago.

At his hearing, Mr. Estrada testified:

I have never known what it is to be poor, and I am very thankful to my parents for that. And I have never known what it is to be incredibly rich either, or even very rich, or rich.

I will let his financial statement speak for itself on that point. Half a million dollars a year in my State does put you in the upper brackets.

So he is a well-compensated lawyer in a first-rate law firm. His family and friends take pride in his success, and rightfully so.

In his almost 6 years with Gibson, Dunn & Crutcher, with its thriving appellate court practice, developed by its senior partner, Ted Olson, who was confirmed to be Solicitor General in June 2001, Mr. Estrada has had one argument before the Supreme Court—just one. That was in connection with a habeas petition on which he worked pro bono when he first came to the firm. It is one of the only pro bono cases he has taken in his entire legal career, according to his testimony.

I am about to yield the floor. I note one thing, some of the speeches on the other side of the aisle make you think everyone opposes the efforts of Democrats to get answers to fair questions and review documents provided in past nominations. Especially in the case where a supervisor has called into question a nominee's ability to be fair, that is all the more reason we should see what he did. There is also ample precedent for the Senate Judiciary Committee examining memos written by Department of Justice attorneys, including Assistant Solicitor Generals—like Mr. Estrada was—in connection with nominations to either lifetime or short-term appointments, such as in the nominations of Robert Bork, William Rehnquist, Brad Reynolds, Stephen Trott, and Benjamin Civiletti.

There have been a number of papers and published editorials and op-eds supporting our efforts to know more about Mr. Estrada before we give him a lifetime seat, before we could never question him again, before we put him, for a lifetime, on one of the most powerful courts of the country.

On February 4, Senator HATCH said, and I will paraphrase: Mr. Estrada is not nominated to the Supreme Court—of course he is right—but his nomination may be even more important because the Supreme Court hears only about 90 cases per year while the DC Circuit issues nearly 1,500 decisions per year. These decisions affect the rights of working people and the environmental rights of all people. The Senate must not be a rubberstamp.

I ask unanimous consent to have printed in the RECORD some of the editorials in favor of the position the Democrats have taken here. Just to name a few, we have editorials from the New York Times, the Boston Globe, and the Rutland Daily Herald, among others, as well as op-ed from the Washington Post and Wall Street Journal, and letters to the editor of the Washington Post, disagreeing with their earlier editorial—touted by Republicans this morning—urging an immediate vote in spite of the precedent for requesting documents and getting answers to questions before giving someone such an important job.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 13, 2003]

KEEP TALKING ABOUT MIGUEL ESTRADA

The Bush administration is missing the point in the Senate battle over Miguel Estrada, its controversial nominee to the powerful D.C. Circuit Court of Appeals. Democrats who have vowed to filibuster the nomination are not engaging in ''shameful politics,'' as the president has put it, nor are they anti-Latino, as Republicans have cynically charged. They are insisting that the White House respect the Senate's role in confirming judicial nominees.

The Bush administration has shown no interest in working with Senate Democrats to select nominees who could be approved by consensus, and has dug in its heels on its most controversial choices. At their confirmation hearings, judicial nominees have refused to answer questions about their views on legal issues. And Senate Republicans have rushed through the procedures on controversial nominees.

Mr. Estrada embodies the White House's scorn for the Senate's role. Dubbed the ''stealth candidate,'' he arrived with an extremely conservative reputation but almost no paper trail. He refused to answer questions, and although he had written many memorandums as a lawyer in the Justice Department, the White House refused to release them.

The Senate Democratic leader, Tom Daschle, insists that the Senate be given the information it needs to evaluate Mr. Estrada. He says there cannot be a vote until senators are given access to Mr. Estrada's memorandums and until they get answers to their questions. The White House can call this politics or obstruction. But in fact it is senators doing their jobs.

[From the Boston Globe, Feb. 15, 2003]

RUSH TO JUDGES

The Senate Judiciary Committee ought to come with a warning sign: Watch out for fast-moving judicial nominees. Controlled by Republicans, the committee is approving President Bush's federal court nominees at speeds that defy common sense.

One example is Miguel Estrada, nominated to the US Court of Appeals for the District of Columbia. Nominated in May 2001, Estrada had been on a slow track, his conservative views attracting concern and criticism.

Some Republicans called Democrats anti-Hispanic for challenging Estrada. He came to the United States from Honduras at the age of 17, improved his English, earned a college degree from Columbia, a law degree from Harvard, and served as a Supreme Court clerk for Justice Anthony Kennedy.

What has raised red flags is Estrada's refusal to answer committee members' questions about his legal views or to provide documents showing his legal work. This prompted the Senate minority leader, Thomas Daschle, to conclude that Estrada either ''knows nothing or he feels he needs to hide something.''

Nonetheless, Estrada's nomination won partisan committee approval last month. All 10 Republicans voted for him; all nine Democrats voted against. On Tuesday Senate Democrats began to filibuster Estrada's nomination, a dramatic move to block a full Senate vote that could trigger waves of political vendettas.

It's crucial to evaluate candidates based on their merits and the needs of the country.

Given that the electorate was divided in 2000, it's clear that the country is a politically centrist place that should have mainstream judges, especially since many of these nominees could affect the next several decades of legal life in the United States.

Further, this is a nation that believes in protecting workers' rights, especially in the aftermath of Enron. It's an America that struggles with the moral arguments over abortion but largely accepts a woman's right to make a private choice. It's an America that believes in civil rights and its power to put a Colin Powell on the international stage.

Does Estrada meet these criteria? He isn't providing enough information to be sure. And the records of some other nominees fail to meet these standards.

Debating the merits of these nominees is also crucial because some, like Estrada, could become nominees for the Supreme Court.

The choir—Democrats, civil rights groups, labor groups, and women's groups—is already singing about how modern-day America should have modern-day judges. It's time for moderate Republicans and voters to join in so that the president can't ignore democracy's 21st-century judicial needs.

[From the Wall Street Journal, Feb. 20, 2003]

SYMMETRY IN JUDICIAL NOMINATIONS

The White House has a message for Democratic senators tying up its judicial nominations: we won the election, you're thwarting the people's will.

Not quite. Never mind it was an evenly divided electorate. The selection of judges was a non-issue. George W. Bush didn't even mention the topic in his speech at the GOP's Philadelphia convention or in his acceptance remarks when he finally emerged victorious—thanks to judges—after Florida.

In two of the three debates, judicial selections weren't mentioned. In the other, candidate Bush, while ducking the question of whether all his judicial appointments would be anti-abortion, insisted he wouldn't have any litmus tests. But he declared that, unlike Vice President Gore, he would not appoint judicial activists; judges, he declared, ''ought not take the place'' of Congress. As the president accuses Democrats of playing politics, however, he nominates almost nothing but pro-life judges and passionate activists of a conservative stripe.

For all the emotions judicial appointments arouse on both sides, the political implications for senators are wildly exaggerated. Over the past several decades the only one who lost an election because of a judicial vote was Illinois Democrat Alan Dixon, defeated in a primary after he voted to confirm Clarence Thomas for the Supreme Court. What these battles are about is energizing the base; that's why during presidential campaigns they are retail, not wholesale, issues.

Currently, Senate Democrats are staging a mini-filibuster over the nomination of movement conservative Miguel Estrada for the U.S. Court of Appeals to the dismay of not only Republicans but many editorial writers. How dare they employ politics! In these matters there should be a simple test: symmetry. Or, as former Clinton Solicitor General Walter Dellinger declares, ''Whatever factor a President may properly consider, senators should also consider.'' Since ideology clearly is the guiding force behind the slate of Bush circuit court nominees, it's perfectly appropriate for Senate Democrats to sue the same standard.

That's certainly the criterion Republicans used in the Clinton years. Orrin Hatch is outraged at Democrats' insistence that nominee Miguel Estrada, who refuses to express an opinion on any Supreme Court decision, be more forthcoming. Yet it was only a few years ago that the same Utah Republican was insisting on the need ''to review . . . nominees with great specificity.''

In 1996 Sen. Hatch decried two Clinton, judicial nominees as ''activists who would legislate from the bench.'' Later, the then Senate Republican leader, Trent Lott, left no doubt that it was ideology that prompted his objections to the ''judicial philosophies and likely activism'' of prospective judges.

Judicial activism used to be a term reserved for liberals. Now much activism on the bench comes from the right, often, in the words candidate Bush used to attack liberals, in the form of judges who ''subvert'' the legislature. In recent years, congressional measures such as the Americans with Disabilities Act, legislation to oppose violence against women and to increase gun control have been gutted by conservative judges.

As Indiana law professor and former Clinton Justice Department official Dawn Johnson chronicled in a Washington Monthly piece last year, the right-wing Federalist Society-agenda envisions an activist judiciary that would roll back many of the guarantees enacted by Congress under the Commerce Clause and the 14th Amendment.

A contemporary example is Jeffrey Sutton, a brainy legal scholar nominated for the Fourth Circuit Court of Appeals. Mr. Sutton clearly is qualified but just as clearly would turn back the clock on protecting people with disabilities. Should senators who care about disability rights simply ignore his ideology?

The right claims that central to the Democrats' opposition to these nominees is abortion. And it's true that, more than any other issue, abortion remains a litmus test for both sides. Almost all the Bush circuit-court nominees have been pro-life and a high percentage of the Clinton appointments were pro-choice. But, as Mr. Sutton's selection shows, the issues are much broader than the disproportionate influence placed on abortion.

In the Estrada fight, some Republicans also allege an anti-Hispanic motive. Opposition to his nominees sends ''the wrong message to Hispanic communities,'' charges Georgia Sen. Saxby Chambliss. For the record, Mr. Bush has nominated one Hispanic judge to the circuit courts; President Clinton nominated 11. Three of the Clinton nominations were killed by Senate Republicans. Were they racially motivated? That makes as much sense as the Estrada charges.

To be sure, the Democrats play the same games, though the Clinton nominees, as a whole, were nowhere near as ideological as the Bush picks. But there is some overreach; the Democrats' efforts to get Mr. Estrada's private notes when he worked in the solicitor general's office would set a bad precedent.

Thoughtful people on both sides of the aisle worry about these perpetual battles. Mr. Dellinger, for one, notes that if the focus

is only on ''noncontroversial,'' selections, the result chiefly would be courts full of ''relatively undistinguished lawyers lacking any substantial record of creative scholarship or advocacy.'' Instead, he proposes a more constructive solution. Opposition leaders in the Senate would develop a short list of distinguished scholars and practitioners for the president to submit for the courts of appeal. There is a precedent: President Bush last year renominated Clinton nominee, Roger Gregory, the first African American on the Fourth Circuit, in to win acceptance for his other nominees.

Currently, Mr. Dellinger says if Senate Democrats proposed a ''distinguished'' nominee like former Solicitor General Seth Waxman for the U.S. Circuit Court, a deal could be crafted whereby he and Bush nominees Mr. Estrada and John Roberts are promptly confirmed. Republicans still would hold the upper hand, but the rightward rush would be modified.

It makes a lot of sense and would result in a better judiciary. But the activists on both sides have little interest; it wouldn't energize their bases.

[From the Rutland Daily Herald, Feb. 24, 2003]

PARTISAN WARFARE

Senate Democrats are expected to continue their filibuster this week against the appointment of Miguel Estrada, a 41-year-old lawyer whom President Bush has named to the federal appeals court in Washington, D.C.

Sen. Patrick Leahy, ranking Democrat on the Judiciary Committee, is in the middle of the fight over the Estrada appointment. He and his fellow Democrats should hold firm against the Estrada nomination.

Much is at stake in the Estrada case, most importantly the question of whether the Democrats have the resolve to resist the efforts of the Bush administration to pack the judiciary with extreme conservative judges.

The problem with the Estrada nomination is that Estrada has no record as a judge, and senators on the Judiciary Committee do not believe he has been sufficiently forthcoming about his views. It is their duty to advise and consent on judicial nominees, and Estrada has given them no basis for deciding whether to consent.

President Bush has called the Democrats' opposition to Estrada disgraceful, and his fellow Republicans have made the ludicrous charge that, in opposing Estrada, the Democrats are anti-Hispanic. For a party on record against affirmative action, the Republicans are guilty of cynical racial politics for nominating Estrada in the first place. He has little to qualify him for the position except that he is Hispanic.

Unless the Democrats are willing to stand firm against Bush's most extreme nominations, Bush will have the opportunity to push the judiciary far to the right of the American people. Leahy, for one, has often urged Bush to send to the Senate moderate nominees around whom Democrats and Republicans could form a consensus. In a nation and a Congress that is evenly divided politically, moderation makes sense.

But Bush's Justice Department is driven by conservative idealogues who see no reason for compromise. That being the case, the Senate Democrats have no choice but to hold the line against the most extreme nominees.

Leahy has drawn much heat for opposing Bush's nominees. But he has opposed only three. In his tenure as chairman of the committee, he sped through to confirmation far more nominees than his Republican predecessor had done. But for the Senate merely to rubber stamp the nominees sent their way by the White House would be for the Senate to surrender its constitutional role as a check on the excesses of the executive.

The Republicans are accusing the Democrats of partisan politics. Of course, the Republicans are expert at the game, refusing even to consider numerous nominees sent to the Senate by President Clinton.

The impasse over Estrada is partisan politics of an important kind. The Republicans must not be allowed to shame the Democrats into acquiescence. For the Democrats to give in would be for them to surrender to the fierce partisanship of the Republicans.

The wars over judicial nominees are likely to continue as long as Bush, with the help of Attorney General John Ashcroft, believes it is important to fill the judiciary with extreme right-wing judges.

The Democrats, of course, would like nothing better than to approve the nomination of a Hispanic judge. But unless the nominee is qualified, doing so would be a form of racial pandering. That is the game in which the Republicans are engaged, and the Democrats must not allow it to succeed.

Mr. LEAHY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been listening to my distinguished colleague. I noted that he mentioned the Hispanic National Bar Association's past presidents' statement. I have seldom read a statement that is so absolutely bankrupt as this statement. I have seldom read anything that has disgusted me as much as these past presidents of this Hispanic Bar Association in this letter. I have never seen less backing for a letter than what these people have signed off on.

First, let me note for the record that the Hispanic National Bar Association supports Mr. Estrada's nomination. So these people have gone way off the reservation. They may have been past presidents, but they should never be allowed to be a president of this bar association again. They ought to throw them out of the bar association because they entered into politicization of this nominee, in contradiction to what their own bar association has done in endorsing him. The bar association speaks for its many members, not these 15 former presidents. We know why they have done this, because they are 15 partisans. It is disgraceful.

Let me read part of this letter—''Based upon our review and understanding. . . .''

What kind of review? They talked to their friends on the Democratic side? Is that where they got this stuff? Most of which is absolutely false and distorted:

> Based upon our review and understanding of the totality of Mr. Estrada's record and life's experiences, we believe that there are more than enough reasons to conclude that Mr. Estrada's candidacy falls short in these respects.

Listen to this:

> We believe for many reasons including his virtually nonexistent written record. . . .

Could I make a little point here that I think needs to be made? These are the appellate briefs in the 15 Supreme Court cases. There has not been a nominee before this Senate in recent years who has been able to have that type of illustration of what they do.

These inane people who have entered into partisan politics have disparaged a man who is 10 times better than they are. It is unbelievable the lengths and the depths to which they will stoop to betray one of their own fellow Hispanic people.

I hope the rest of the members of the Hispanic Bar Association will rise up and let them know how for off the mark they are.

Listen to this:

> We believe that for many reasons including: his virtually nonexistent written record, his . . . judicial and academic teaching experience—

This is the written stuff that they can't match—very few of them—or even come close to matching. I don't think any of them can. The reason I don't think so is because not many people in this world have that type of a record—a written, open record that anybody can read and find. There are not many attorneys living today who have argued 15 cases before the U.S. Supreme Court and have the record of winning 10 of them.

They say he doesn't have any academic teaching experience. You mean you can't be a judge?

Let us put it this way. Since there have been many academics who have gone on the Federal bench in circuit courts of appeals, the Supreme Court, and district courts, do you mean the Hispanics can't go on the bench unless they have academic and teaching records?

That is what this seems to say by 15 former presidents of the Hispanic Bar Association which has endorsed him. They have gone against their own organization. It is hard to believe.

Then they said:

> We believe that for many reasons including: his virtually nonexistent written record.

Look at that record. He has verbally expressed an unrebutted extreme view?

I haven't heard an extreme view throughout this whole process, and we have a transcript that thick of questions by our friends on the other side, and ourselves really. Extreme views? I haven't heard any extreme views. I don't think anybody has made a case that he has extreme views.

Then the letter says, ''his lack of judicial or academic teaching experience—

OK. What they are saying—these Hispanic Bar Association presidents—is that hardly any Hispanics will ever qualify for the circuit court of appeals or even the district court because they haven't had any judicial experience or teaching experience. They are condemning their own people. What a ridiculous, dumb statement. I don't swear. But I'll be darned. I am having a tough time not swearing here.

Then it says in parentheses:

> (against which his fairness, reasoning skills and judicial philosophy could be properly tested)

What about the five of the eight on the current court who haven't any judicial experience? And I don't know

many of them who have had any teaching experience. You can go through dozens of Clinton appointees who never had any either.

Why the double standard for Miguel Estrada? Why? I am having a rough time answering that question.

There are some answers which I hope aren't true. But I am starting to think they are true.

It says:

. . . his poor judicial temperament.

Since he has never been a judge, how do they know what his judicial temperament is? The fact is that none of them—I don't believe any of them—even know Miguel Estrada. And if they do, they know he has a decent temperament.

Do you know where they get that? They get that from some of our friends on the other side who believe that Paul Bender, who we have discredited, I believe, fairly and honestly, who gave him the highest possible ratings when Miguel was his junior, when he was Miguel's supervisor in the Solicitor General's Office, and then off the cuff says he doesn't have a judicial temperament, in essence.

Who are you going to believe? The things that he put in writing at the time when they were really important and when they really made a difference or the off-the-cuff remarks that a partisan Democrat liberal—about as liberal as you can get—would say to try to scuttle a nomination? These guys buy it—lock, stock, and barrel. What kind of lawyers are they? Then they say:

. . . his total lack of any connection whatsoever to, or lack of demonstrated interest in the Hispanic community.

How do they know that? They are prejudging this man without knowing all the people he has met with and worked with and for whom he has been an example. Every Hispanic young person can look up to Miguel Estrada because he is the embodiment of the American dream.

My gosh. This is the most biased, uninformed, stupid, dumb letter I have ever read, and it is done for purely partisan purposes against a fellow Hispanic. I can't believe it. I couldn't believe it when I saw this.

Then it says:

. . . his refusals to answer even the most basic questions about civil rights and constitutional law.

Give me a break. He spent as much if not more time than almost any nominee we have had over the last 27 years to the circuit court of appeals. We simply did not treat people as this man is being treated by some on the other side—not everybody. What do they know about his knowledge of civil rights and constitutional law? I happen to believe Miguel Estrada will be one of the champions for civil rights, and he is certainly one of the tough lawyers with regard to constitutional law—something I doubt very many of these past presidents had much experience in. Maybe they do. I would like to hear from them if they do. But I am disgusted with them. If they do, that makes it even worse because they have misjudged him if they have the experience in these areas—and I doubt that they do.

Then they say:

. . . his less than candid responses to other straightforward questions of Senate judiciary members.

Where did they get that? I bet none of them have read this transcript. I doubt that many of them saw the hearings. Where would they get that? It certainly wasn't from this side, I guarantee you, because we saw him answer the questions. He just didn't answer them the way our colleagues on the other side of the aisle wanted him to answer them. They couldn't lay a glove on him. That is why this is a phony request for confidential and privileged materials from the Solicitor General's Office—the attorney for our country and for the people in this country.

Let me tell you that when I practiced law, my files were confidential, too. There is no way I would have given them to anybody. There is no court in the land that would force me to give them to anyone. They are privileged; that is, since I am an attorney. Can you imagine the privilege the Solicitor General's Office can assert—and they have.

Like I said, seven former Solicitors General—four of whom were Democrats—have said this is ridiculous. Yet it keeps coming up. It is a red herring. It is a double standard. It is a standard applied to Miguel Estrada that has never in history been applied to anybody else.

The letter request was to give up his recommendations on appeals, certiorari matters and amicus curiae matters.

Then it says:

. . . and because of the administration's refusal to provide the Judiciary Committee the additional information and cooperation it needs to address these concerns.

Give me a break. He has made himself available. Any Democrat who wants to talk to him he will talk to. A number of them refused to even talk to him. Why is that?

So they are trying to do justice here? Why is that so? Why is this Hispanic independent thinker being treated this way? I suggest that it is because he is Hispanic and he is an independent thinker. He doesn't just toe the line.

I am disgusted. Some of these people I know. They should have done better by their fellow Hispanics. They should have thought twice before putting their names on this piece of garbage called a letter by past presidents. It is a disgrace to the Hispanic community. It is a disgrace to the Hispanic National Bar Association and the rest of the membership that is behind Miguel Estrada. And it is a disgrace to them personally to do this type of disgraceful thing in a miserably partisan way.

I don't want to spend any more time on it. It doesn't deserve it. I didn't mean to be so aggravated, but these types of things just aggravate me to death.

I fought very hard for Clinton's nominees. The other side knows it. I was very fair to their nominees. They know it. Was everyone fair to them? Not everybody, but I was. I expect fairness to be given to our nominee and to their President's nominees.

Finally, I didn't agree with President Clinton's nominees' ideology in probably none of the cases—none of the nominees. But that wasn't the issue. The issue was whether they were qualified. And there has very seldom been a person as qualified as Miguel Estrada. All you have to do is point to the ABA's unanimous well-qualified rating, the highest rating they could possibly give. They are tough.

Now, having said that, I am really disappointed in my colleagues on the other side because they have tried to say the standing committee of the American Bar Association was prejudiced and stacked in coming up with this rating. They do not have a good argument to make, so they make a phony argument.

I want to respond to statements by one of my Democratic colleagues yesterday, suggesting that Mr. Estrada's ABA rating was somehow rigged. I hate to say it, but this is stooping low, too, to make that kind of a statement.

Before I address these statements head on, I think it is first appropriate to lay the predicate, to lay the significance of Mr. Estrada's ABA rating.

Let me just look at this chart. This chart is entitled ''Senate Democrats Praise the ABA.''

[The] ABA evaluation has been the gold standard by which judicial candidates have been judged.

That was Senator PATRICK LEAHY in March 2001.

What ABA is simply telling us, and has historically, is whether or not a prospective judge is competent.

That was Senator TOM DASCHLE on March 22, 2001.

[I] fear . . . that the Judiciary Committee will be less able than the ABA to discern a nominee's legal qualifications.

That was Senator DIANNE FEINSTEIN on March 31, 2001, the distinguished Senator from California. She is right.

The ABA, with its extensive contacts in the legal community all across the country, is the best organization to evaluate the integrity, professional competence and judicial temperament of potential nominees.

That was Senator RUSSELL FEINGOLD in July 2001.

[T]he ABA . . . has always been impartial. . . . [The ABA is] hardly partisan or ideological. . . . The ABA is the national organization of all lawyers: Democrats, Republicans, liberals, conservatives.

That was Senator CHARLES SCHUMER on May 9, 2001.

We have had our problems with the ABA when there were, it seemed to me, prejudicial decisions from time to time made. And I have had some real problems with them. But I have to say,

they certainly have cleaned up their act, and I said this before the end of the Clinton administration, even though I have not been happy with any one single organization having a vetting responsibility, which is what some of my colleagues always wanted the ABA to have.

Now, let's consider Miguel Estrada. The ABA rated him ''well qualified'' unanimously—that is the highest possible score—at around the time my Democratic colleagues heaped praise on the ABA. But now, 2 years later, some of my friends across the aisle apparently want to adopt a new rule: ABA ratings are the gold standard—unless we don't like the nominee.

It is against this backdrop that one of my Democratic colleagues, the distinguished minority whip, now asserts that respected Washington lawyer Fred Fielding somehow tricked the ABA into rating Miguel Estrada unanimously well qualified.

Now, I have great respect and loving friendship for my friend from Nevada. Everybody knows that. I care for him deeply. But I could hardly believe my ears when I heard that one. I think it is important to set the record straight, and so here are the facts. I have to presume my colleague just did not know the facts and, therefore, went off on this tangent, and I hope he will withdraw that statement once he hears what the facts are.

Mr. Fielding was a member of the ABA standing committee that rates judicial nominees when Miguel Estrada was unanimously rated well qualified. Mr. Fielding left the ABA committee in November 2001. He did not become affiliated with Boyden Gray's Committee for Justice until August 2002. In fact, the Committee for Justice was not even founded until August 2002. There is no way the Committee for Justice could have influenced Mr. Fielding's duties at the ABA because the Committee for Justice did not even exist at the time.

From 1996 to 2002, when he was on the ABA committee, Fred Fielding consistently evaluated nominees fairly and with an open mind. He voted to rate many of President Clinton's circuit court nominees ''well qualified,'' including the following:

Allan Snyder, the DC Circuit Court of Appeals; Robert Katzmann, the Second Circuit Court of Appeals; Marjorie Rendell, the Third Circuit Court of Appeals; Maryanne Barry, the Third Circuit Court of Appeals; Robert Cindrich, the Third Circuit Court of Appeals; Stephen Orlofsky, the Third Circuit Court of Appeals; Andrew Davis, the Fourth Circuit Court of Appeals; Alston Johnson, the Fifth Circuit Court of Appeals; Ronald Gilman, the Sixth Circuit Court of Appeals; Kathleen McCree Lewis, the Sixth Circuit Court of Appeals; Ann Claire Williams, the Seventh Circuit Court of Appeals; Susan Graber, the Ninth Circuit Court of Appeals; James Duffy, the Ninth Circuit Court of Appeals; Richard Tallman, the Ninth Circuit Court of Appeals; Raymond Fisher, the Ninth Circuit Court of Appeals; Stanley Marcus, the Eleventh Circuit Court of Appeals; Frank Hull, the Eleventh Circuit Court of Appeals—all of those rated by Mr. Fielding as unanimously well qualified.

You can hardly say this man was as was described yesterday; in fact, not at all. Anybody who knows Fred Fielding knows he is an honest man. It is offensive to have that type of characterization made, even in the height of a very political battle, which this appears to be—well, to be. I could have said 2 weeks ago: to be coming.

Now, as that list illustrates, Mr. Fielding voted to give numerous Clinton circuit nominees the highest rating possible. If he had been promoting a partisan agenda, he would not have voted to find a single Clinton nominee well qualified, or he certainly would have found a number of those, perhaps, not well qualified—even though they deserved the qualification they got—if he was partisan.

There is simply no reason to believe his vote to find Miguel Estrada well qualified reflected anything other than his unbiased, nonpartisan assessment of Mr. Estrada's fitness for the Federal bench.

Moreover, there is simply no way Mr. Fielding alone could have been responsible for the ABA's unanimous decision to rate Miguel Estrada ''well qualified.'' The ABA's rules make clear that every member of the ratings committee must evaluate each nominee independently:

> After careful consideration of the formal report and its enclosures, each member submits his or her rating vote to the Chair.

Now, that is an insult to the other members of the standing committee for somebody to imply they would all pay attention to a ''corrupt'' Mr. Fielding, if that were even possible, which, of course, it is not.

Mr. Fielding's background as a Republican was more than offset by the committed Democrats who served on the ABA committee at the time and who joined in the unanimous decision to give Miguel Estrada a well-qualified rating.

For example, according to public records, the chairman of the ABA committee at the time Mr. Estrada was rated well qualified contributed to the election campaign of Senator SCHUMER. This individual agreed that Miguel Estrada is ''well qualified,'' the highest rating possible.

Now, I am not going to accuse the chairman of the ABA committee at the time, because he donated to Senator SCHUMER's campaign—which he had every right to do—I am not going to accuse him of being improper, as I believe the implication was for Mr. Fielding.

Get this point. The ABA's Second Circuit representative contributed to Senator Robert Torricelli's reelection campaign and to the New Jersey Democratic State Committee. This individual agreed that Miguel Estrada should be given the highest rating: ''well qualified,'' unanimously, the highest rating.

I am not going to say that person was biased because that person gave to Senator Torricelli. It is apparent he was not biased.

How about the ABA's Fourth Circuit representative? He made political contributions to Senator CHARLES SCHUMER, Senator TOM DASCHLE, Senator JEAN CARNAHAN, former Vice President Al Gore, Representative JERROLD NADLER, Representative MARTIN FROST, Representative ANTHONY WEINER, Representative ELLEN TAUSCHER, and Representative CHARLES RANGEL. This individual agreed that Miguel Estrada is ''well qualified.'' I do not think these people would be influenced by some Republican saying: Well, we ought to pull a fast one here and get this fellow well qualified when he was not worthy of being well qualified.

There is no question that Fred Fielding is a Republican. There is no question that he supports Republicans politically. But there is also no question he is a person of impeccable honor and integrity who has served as White House Counsel and that he would do what is right on this committee, just like these Democrats did what was right in rating Miguel Estrada as well qualified.

How about this: The ABA's Sixth Circuit representative—this is on the standing committee—contributed to the Democratic National Committee, Senator FRANK LAUTENBERG, Senator CHARLES SCHUMER, former Senator BILL BRADLEY, Senator EDWARD KENNEDY, Representative RICHARD GEPHARDT, and the Arizona State Democratic Central Executive Committee. Now, this individual agreed that Miguel Estrada is ''well qualified,'' the highest rating the standing committee could give. He could not be a more partisan Democrat, but I believe he is doing the job fairly on the committee.

The fact that he supports Democrats, I wish he didn't as much as a Republican, but the fact that he supports Democrats I find no problem with.

How about this one: The ABA's Seventh Circuit representative contributed to Emily's List, the feminist political organization; Voters for Choice, one of the pro-abortion organizations; Senator PATTY MURRAY; former Representative Geraldine Ferraro, former Senator Carol Moseley-Braun; Senator MARY LANDRIEU; Senator Jean Carnahan; Senator BARBARA MIKULSKI, and Senator DICK DURBIN. Yet he voted ''well qualified.'' So Fielding is out of line? Come on. That is phony.

How about the ABA's Eighth Circuit representative. He contributed to Senator JOSEPH BIDEN, Senator HILLARY CLINTON, Senator Paul Wellstone, Senator Jean Carnahan, and former Vice President Al Gore. This individual agreed that Miguel Estrada is ''well qualified.'' I don't think he had any

bias in that. I don't think Fred Fielding had all that influence with all these big-time Democrats. I really don't. I don't think anybody in their right mind does.

How about the ABA's Eleventh Circuit representative. He contributed to Senator Max Cleland. This individual agreed that Miguel Estrada is ''well qualified.'' Did he have a bias? Do you think he was influenced by Fred Fielding?

How about the ABA's Federal circuit representative who contributed to Emily's List, the pro-feminist list; Senator Chuck Robb; the Democratic National Committee. This individual agreed that Miguel Estrada is ''well qualified.'' That is just the beginning of the story.

At the start of the 108th Congress, the ABA then reaffirmed Mr. Estrada's unanimous well-qualified rating. It appears that the Democrats on this year's ABA committee are equally enthusiastic about Miguel Estrada's nomination.

The ABA's DC Circuit representative—Fred Fielding's successor—contributed to the Democratic National Committee and Emily's List. This individual agreed that Miguel Estrada is ''well qualified.''

The ABA's Federal circuit representative contributed to Senator HILLARY CLINTON, the Irish American Democrats, Representative NANCY PELOSI, the Democratic National Committee, Senator JOHN BREAUX, former Vice President Al Gore, and the Democratic Congressional Campaign Committee. This individual agreed that Miguel Estrada is ''well qualified.''

I wonder why all these Democrats on the ABA's standing committee find him well qualified while our friends on the floor are filibustering this well-qualified individual? I don't understand it. It seems to me to be a double standard.

The ABA's Fourth Circuit representative contributed to Senator JOHN EDWARDS in the North Carolina Democratic Victory Fund and Bill Bradley. This individual agreed that Miguel Estrada is ''well qualified.''

The ABA's Eighth Circuit representative contributed to the Missouri Democratic State Committee and Senator Jean Carnahan. This individual agreed that Miguel Estrada is ''well qualified.'' There are a lot of Democrat leaders who contributed to a lot of Democrats running for office who all found Miguel Estrada well qualified, unanimously well qualified.

What is clear from this recitation of political contributions is that in Mr. Estrada's case, the attorneys on the ABA committee put aside their political views and provided the Senate with a neutral and dispassionate analysis of his qualifications.

Fred Fielding, of course, did not hijack the ABA process, nor was Mr. Fielding's participation in that process ''unethical,'' as my Democratic colleagues suggested.

It is time to get rid of these phony arguments. In the case of Miguel Estrada, the process worked just as the ABA intended. It took a lot of very partisan Democrats acting in a nonpartisan way fulfilling their duties on the ABA standing committee to find him well qualified, not just when Mr. Fielding was on the committee but also the second time in this Congress.

That is pretty important stuff. I have to respond to Senator LEAHY's remarks that Miguel Estrada handled only one pro bono case. That is not accurate. I am sure my colleague must have overlooked the case of Campaneria v. Reid. Miguel Estrada represented pro bono, without fee, a criminal defendant seeking to vacate his conviction on grounds that the admission of his confession at trial violated the Miranda rule. The two judges on the Second Circuit panel hearing the case agreed with Miguel Estrada that his client's right to remain silent had been violated but ultimately ruled that the error was harmless. One judge dissented, arguing that the admission of Mr. Campaneria's confession was not harmless. Miguel Estrada spent countless pro bono hours on that case which further illustrates his commitment to equal access to justice for all.

Since Senator LEAHY brought up Mr. Estrada's pro bono work, let me remind him of Mr. Estrada's work in Strickler v. Green. This is an important case as well. It is important to bring it up in light of what has been said. Miguel Estrada represented, free of charge, Tommy David Strickler, who was convicted of abducting a college student from a shopping center and murdering her. Miguel Estrada devoted hundreds of hours to Mr. Strickler's appeal without being paid. Ultimately, the Supreme Court held that although a Brady violation had occurred when the prosecution withheld exculpatory evidence from the defense, the error was harmless. Mr. Strickler was accordingly executed, but it does not negate the fact that Miguel Estrada gave that kind of service free.

It was a legitimate question, too. The court did not rule for Miguel Estrada in the case, but he did do what he has been accused of not doing, and that is giving pro bono service for a person in need.

I would like to read a portion of a letter the committee received from Mr. Estrada's cocounsel in the case, Barbara Hartung:

> [Miguel Estrada] values highly the just and proper application of the law. . . . Miguel's respect for the Constitution and the law may explain why he took on Mr. Strickler's case, which at the bottom concerned the fundamental fairness of a capital trial and death sentence. I should note that Miguel and I have widely divergent political views and disagree strongly on important issues. However, I am confident that Miguel Estrada will be a distinguished, fair and honest member of the federal appellate bench.

Why do we have these arguments that are not right? Why are we doing that to this man? Why is it that this Hispanic man who is an independent thinker and who has an amazing record for a person of his age, who has the qualifications to be on the Circuit Court of Appeals for the District of Columbia, why are we doing this to him? Why the double standard? Nobody else has been treated this shabbily, especially by these past presidents of the Hispanic Bar Association. Keep in mind that Hispanic National Bar Association supports Miguel Estrada. Yet these people gratuitously signed this ridiculous letter. I hope they feel ashamed of themselves. They ought to be.

The Hispanic community ought to tell them to be ashamed of themselves. I believe they will. I think that is going on right now. The Hispanic people are starting to catch on on this and what is going on. It just plain isn't fair. It just plain isn't right. It just plain is not a good thing to do to filibuster a Federal judicial nominee. It just isn't. We have always had some who wanted to do it, but we on this side have always been able to stop them. This is the first true filibuster that we have had on a Federal judicial nominee.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Nevada.

Mr. REID. Mr. President, I know there are others who wish to speak, but I wanted to take a minute to talk about my friend's comments about Mr. Fielding.

I think that while my name was mentioned—and I have the greatest respect for my friend from Utah. We are close personal friends. Our families are friends. We have been in each other's homes. There is nothing personal about this. This is a partisan matter we are bringing before the Senate.

Mr. President, the political contributions that people make is certainly very different from being an inside political operative, as Mr. Fielding was. In fact, for lack of a better way to describe him, he was an inside guy for the Republicans and had been for many years. I will list in a minute the many things he had done.

Mr. President, the more I hear about the ABA, the more convinced I am the Republicans were right when they said let us not have the ABA involved in this. I think those people who said that were absolutely right. I didn't know as much about the ABA as I do now. I practiced law for a long time before I came here. I was a trial attorney. I didn't belong to the ABA. I thought it was a bad organization then, and the more I hear about it today, the worse I think it is. I think what they have done on these judicial nominations—Democratic and Republican—reeks, smells. There are thousands of lawyers in the country, thousands of members of the ABA. Couldn't they get people who are selecting nominees who could pass the smell test? In this one, this ABA qualification should be thrown right in the trash.

Mr. President, it is not the Senator from Nevada who feels Mr. Fielding

was wrong in what he did. Here is an article out of a newspaper dated yesterday, by Tom Brune. The headline is ''Estrada Endorser Had Partisan Role.'' It goes on to say—this is a news article, not an editorial:

The lawyer who recommended the American Bar Association's highest rating for controversial appellate judge candidate Miguel Estrada took part in partisan Republican activities during his term as a nonpartisan judicial evaluator for the Bar, according to records and interviews.

The man who wrote this column said what I quoted. He says:

While serving on the ABA's nonpartisan Standing Committee on the Federal Judiciary, veteran Washington lawyer Fred F. Fielding also worked for Bush-Cheney Transition Team, accepted an appointment from the Bush administration and helped found a group to promote and run ads supporting Bush judicial nominees, including Estrada.

An editorial comment here, Mr. President. That is only part of his political involvement. Let me read part of it. There are other things.

Fielding cofounded the Committee for Justice, with Bush confidante and former White House counsel C. Boyden Gray. They founded this organization to help the White House with the public relations end of its effort to pack the bench and to run ads against Democrats. . . .

In addition, Fielding has a long career as a Republican insider. He served as Deputy Counsel to President Richard Nixon. He then served on the Reagan-Bush campaign in 1980, the Thursday Night Group. He served on the Lawyers for Reagan advisory group, the Bush-Reagan transition, 1980–1981. He served—this is a dandy—he was conflict of interest counsel. That is a laugher. He worked with the Office of Government Ethics, which is also a joke. He served on the White House transition team. He served in the Office of Counsel to the President, as deputy counsel to President Reagan. He served on the Bush-Quayle campaign in 1988; as Republican National Convention legal advisor; as campaign counsel to Senator Quayle; and as deputy director of the Bush-Quayle transition team. He served on the Bush-Quayle campaign, 1992, as the senior legal advisor conflict of interest counsel and the Republican National Committee advisor. He served as the legal advisor to the Dole-Kemp campaign, 1996.

Mr. President, in short, the Bush White House could not have handpicked somebody with better partisan credentials than Fielding to evaluate his DC Circuit Court nominees.

The ABA should be ashamed of themselves. Lawyers are trying to have a reputation that is good and does not have conflicts of interest, that is ethical. This thing reeks.

Estrada graduated with honors from Harvard. You cannot take that away from him. He is a fine lawyer, but this ABA thing, take it away because it means nothing. How can one have confidence that Mr. Fielding did not paint a very rosy picture for partisan reasons.

The article by Mr. Brune goes on to say:

Fielding evaluated Estrada in the month after President George W. Bush nominated him on May 9, 2001, ABA officials said. That was just weeks after Fielding vetted executive appointments for Bush's transition team and a year before he helped start the partisan Committee for Justice, records show.

Contrary to what was said a few minutes ago, Fielding did cofound this group while a member of the ABA evaluation committee.

The article continues:

The overlap has thrust Fielding—and his evaluation . . .—into the heated political battle over Estrada's nomination. . . .

. . . On February 12, Senator Harry Reid charged that Fielding had a conflict.

I said at that time, and there is a quote in the newspaper:

Doesn't Mr. Fielding's dual role—purportedly ''independent'' evaluator and partisan foot soldier—violate ABA rules?

As the investigative reporter notes:

Those rules say no Standing Committee member should participate in an evaluation if it would give rise to the appearance of impropriety or would otherwise be incompatible with the committee's purpose of a fair and nonpartisan process.

It goes on to say, ''Former ABA President Robert Hirshon said he was concerned when in late July 2002 he read reports that Fielding had joined Republican C. Boyden Gray to start the Committee for Justice.''

''That raised some concerns in my mind,'' said Hirshon, ''given the fact that our committee has been tarred by both conservatives and liberals as poster boys for the other side. . . .''

He called Roscoe Trimmier, Jr., then the Standing Committee chair, and asked him to talk with Fielding. ''I don't see how you can do both,'' Hirshon said. If Fielding became involved in Gray's group, he couldn't serve as an ABA evaluator again, he said.

. . . Fielding is still listed as a board member of the Committee for Justice.

''I don't see the conflict,'' Gray said—

I bet he didn't. He helped form the Committee for Justice.

He added that

Fielding didn't vet Estrada while on the transition team and left the ABA post soon after the group formed.

But Nan Aron, executive director of the liberal Alliance for Justice, which opposes Estrada, charges that Fielding is too partisan to do a fair evaluation.

The article notes:

Fielding was President Ronald Reagan's White House counsel—

And some of the things I have already put into the RECORD.

Listen to this fact uncovered by the reporter:

In May, Bush appointed Fielding to an international center that settles trade disputes.

He gets $2,000 a day plus expenses for this.

The article also notes that:

last fall, President Bush thanked Fielding publicly during a rally for his judicial nominees.

I bet he did.

The article also notes that Burbank, a Professor of ethics at the University of Pennsylvania says Fielding's activities raise questions of appearances, which would cause more damage to the ABA. Ironically, Bush removed the ABA from his long-held role prescreening judicial nominees because of the evaluators' perceived liberal bias.

''In light of the controversy concerning the proper role of the ABA Standing Committee,'' Burbank said, ''it seems to me to be a shame to structure the process in such a way that reasonable people might be concerned.''

Mr. President, let me simply say that the evaluation by Fred Fielding is a scam, it is unfair, it is not right. There certainly is an appearance of unfairness and partisanship. If you want to debate Miguel Estrada based on this ABA qualification, I will do that all day long. There are many positive things Estrada has. This is not one of them. This was an evaluation done by a very partisan person, who has only recommended well qualified ratings for Bush nominees in D.C.

I repeat what I said a few minutes ago. The more I learn about the ABA, the less I feel inclined to support the ABA for anything they want. In this situation, if I ever have anything to do with it in the future, the ABA should be eliminated. It would be one less process we would have to go through to get people on this floor. The ABA's ''gold standard'', as far as I am concerned, is tarnished, and rightfully so.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am disappointed. I just read over all of the Democrats on the Standing Committee who have contributed to Democratic Party politics. I have never accused any of these people. Along with these are these judges on this chart. What does that mean? That he wasn't right when he found unanimously well qualified all of the Clinton judges, or nominees?—that is not right—when he voted for Miguel, along with all of these Democrats I have listed who have contributed?

All I can say is I think we have answered the points. I agree no outside body should be a voting instruction. I have always felt that. But I have to say the ABA has been part of the process, whether we like it or not, for a long time. There were plenty of Democrats who voted for Miguel Estrada as well qualified.

The PRESIDING OFFICER. The Democratic leader.

DEALING WITH ECONOMIC PROBLEMS

Mr. DASCHLE. Mr. President, I was home in South Dakota over the last week, and I had the opportunity to talk with farmers and ranchers, businesspeople, educators, and government leaders. What I bring back from those many discussions is the strong belief that if there is anything we do in the Senate over the course of the next several weeks, it ought to be addressing the economic problems that our country is facing.

I wish I had an accurate count of the number of times in various ways business men and women and farmers and ranchers asked the question: So why are you spending all of this time on a judge when our country is in such economic disarray?

This is an important issue, the Estrada nomination, but we have said from the beginning, and I think we will be able to continue to say with authority, that there will not be any resolution until the Solicitor General documents are released and until Mr. Estrada is more forthcoming with regard to his positions.

We can take up time on the Senate floor week after week, or we can put it aside, make some decision with regard to whether or not there will be some reconciliation on that issue and answer the question posed by so many South Dakotans to me last week: When will we address the economy? When will we recognize that there is a lot more productive use of the Senate's time than an unending debate about Miguel Estrada?

They do not understand why we are stymied and why we are unresponsive to the growing concern they have about the direction the economy is taking.

There is a growing credibility gap between what the President and the administration says and what they do, between their rhetoric and their reality. The President has taken occasion to go around the country to talk about his concern for the economy. On several occasions over the last couple of weeks, he has made his speeches about his concern for the economy and his approach through his tax cuts. I have to say, if he cared, if he was concerned, he would ask the Senate to take up this matter immediately. It will not be a day too soon.

A report was released this morning that said consumer confidence is now at a 10-year low. Consumer confidence, as registered and reported through its index, has plummeted to 64 from a revised 78 just last month. That is the lowest rating since 1993, 10 years. Unemployment is rising. We have seen an increase in the number of unemployed by 40 percent. We now have 8.3 million Americans out of work and 2.5 million private sector jobs have been lost just in the last 2 years. The unemployment spells are lengthening, wage growth is now stagnant, and the shortage of jobs has slowed wage growth so that only those at the very top are still experiencing wage increases that outpace inflation. We now have the worst job creation record in 58 years, while State budgets continue to be plagued with deficits of close to $70 billion. Some have reported even more than that.

We have an economic crisis that is not being addressed, and while that economic crisis grows, there is another concern expressed to me last week by scores of South Dakotans who are our first responders. Our fire departments, our police departments, those involved in crisis management all tell me they haven't a clue as to what they would be required to do should some emergency come about. There is no coordination. There is absolutely no training.

When I asked them last week, What would you suggest I go back and tell the President and my colleagues, they said: Understand that unless we have training, unless we have communications equipment, unless we have more of a coordinated effort to bring us into the infrastructure required for response, we will not be able to live up to the expectations of the people right here. Help us.

We have attempted to help those first responders over and over: last December, with $2.5 billion that the President said we could not afford; last month with $5 billion that the President, once again, said we could not afford. You tell those first responders that we cannot afford providing them the resources to do their job when we look at what has happened in just the last 48 hours in our basing arrangements with Turkey. According to press reports, we can afford up to $6 billion in grants and $20 billion in loan guarantees for Turkey, but for some reason we cannot afford providing homeland and hometown assistance—direct, coordinated help—to provide the training and communication and coordination required. That is a credibility gap that I think this President needs to address.

I hope we can set aside this issue of Mr. Estrada and deal with the issue about which our people, regardless of geography, are concerned. The President has a plan, Democrats have proposed a plan, and there is a significant difference between the two. There, too, we find a credibility gap.

An article was written in the New York Times that appeared this morning by David Rosenbaum entitled ''The President's Tax Cut and Its Unspoken Numbers.'' I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 25, 2003]

THE PRESIDENT'S TAX CUT AND ITS UNSPOKEN NUMBERS

(By David E. Rosenbaum)

WASHINGTON, Feb. 24.—The statistics that President Bush and his allies use to promote his tax-cut plan are accurate, but many of them present only part of the picture.

For instance, in a speech in Georgia last week, the president asserted that under his proposal, 92 million Americans would receive an average tax reduction of $1,083 and that the economy would improve so much that 1.4 million new jobs would be created by the end of 2004.

No one disputes the size of the average tax reduction, and the jobs figure is based on the estimate of a prominent private economic forecasting firm.

But this is what the president did not say: Half of all income-tax payers would have their taxes cut by less than $100; 78 percent would get reductions of less than $1,000. And the firm that the White House relied on to predict the initial job growth also forecast that the plan could hurt the economy over the long run.

The average tax cut (the total amount of revenue lost divided by the total number of tax returns) is over $1,000 because a few rich taxpayers would get such large reductions. For households with incomes over $200,000, the average cut would be $12,496, and the average for those with incomes over $1 million would be $90,222.

But the cut for those with incomes of $40,000 to $50,000, according to calculations by the Brookings Institution and the Urban Institute, would typically be $380. For those with incomes of $50,000 to $75,000, it would be $553.

The president's jobs figure was based on a preliminary analysis by Macroeconomic Advisers, of St. Louis. The firm, to whose services the White House subscribes, issued projections in January concluding that by raising disposable income, bolstering stock values and reducing the cost of capital, the president's program would lead to 1.365 million new jobs by the end of next year.

But the White House has never mentioned the caution in the second paragraph of the firm's report. The forecasters predicted that if the tax cuts were not offset within a few years by reductions in government spending, interest rates would rise, private investment would be crowed out, and the economy would actually be worse than if there had been no tax changes.

The president has not proposed spending reductions that would offset the tax cuts. To the contrary, the administration has argued that the budget deficits resulting from the cuts would be too small to harm the economy.

Another argument that administration officials make regularly is that under the president's plan, the wealthy would bear a larger share of the nation's tax burden than they do now. A table released last month by the Treasury's office of tax analysis showed that people with incomes over $100,000 would see their share of all income taxes rise to 73.3 percent from the current 72.4 percent.

At the same time, the table showed, taxpayers with incomes of $30,000 to $40,000 would get a 20.1 percent reduction in income taxes, and those earning $40,000 to $50,000 would get a 14.1 percent cut.

The problem with figures like those is that a large percentage of a small amount of money may be less important to a low- middle-income family's lifestyle than a small percentage of a large amount of money would be to a rich family. For example, a $50 tax cut would be a 50 percent reduction for a household that owed only $100 in taxes to start with, but that small amount of money would not significantly improve the family's well-being.

A better measure may be the increase in after-tax income, or take-home pay, that would result from tax cuts. According to data from the Joint Congressional Committee on Taxation, the tax reduction of $380 for a family with an income of $45,000 would amount to less than 1 percent of the household's after-tax income. But the $12,496 tax cut received by a family with an income of $525,000 would mean a 3 percent increase in money left after taxes.

The president and his advisers also offer a variety of incomplete statistics to bolster their proposal to eliminate the taxes on most stock dividends.

Among the points they make are that more than half of all taxable dividends are paid to people 65 and older, that their average saving from eliminating the tax on dividends would be $936, that 60 percent of people receiving dividends have incomes of $75,000 or less and that up to 60 percent of corporate profits are lost to income taxes paid by either the companies or the stockholders.

All that is true, but here is a more complete picture:

Only slightly more than one-quarter of Americans 65 and older receive dividends. Two-thirds of the dividends the elderly receive are paid to the 9 percent of all elderly who have incomes over $100,000.

Tht Tax Policy Center at the Brookings Institution and the Urban Institute calculated that the average tax cut from the dividend exclusion would be $29 for those with incomes of $30,000 to $40,000 and $51 for taxpayers with incomes of $40,000 to $50,000.

On the other hand, the two-tenths of 1 percent of tax filers with incomes over $1 million (who have 13 percent of all income) receive 21 percent of all dividends, and the Tax Policy Center figured that their average tax reduction from the dividend exclusion would be $27,701. For taxpayers with incomes of $200,000 to $500,000, the typical tax cut from the exclusion was calculated at $1,766.

In instances where both the corporation and the shareholder are paying taxes at the maximum rate, it is possible, as the administration maintains, for 60 percent of the profits to be taxed away. But calculations based on I.R.S. data and performed by Robert S. McIntyre of the nonpartisan Citizens for Tax Justice show that on average, only 19 percent of corporate profits are paid in taxes by companies and shareholders combined.

Mr. DASCHLE. Mr. President, the President talks about his plan providing 92 million Americans with an average tax reduction of $1,083, and yet with closer scrutiny and attention, with a more careful review of the facts, we find that is not the case at all. That is like Bill Gates and TOM DASCHLE averaging their income. If he and I averaged our income, mine would be somewhere around $39 billion. I only wish I had $39 billion to average with Bill Gates, but I do not. But that is the method this President is using to provide these average numbers with regard to the beneficiaries of his tax cut.

Here are the facts: 78 percent of Americans are going to get less than $1,000, and over half of all taxpayers will get less than $100 under the President's plan. That is right, less than $100. That is all more than half of all taxpayers will receive under the President's plan. That is fact. That is a credibility gap. That is saying one thing and doing another. That is saying the average American gets $1,000 but actually, in fact, the average American is going to get under $100.

There is a credibility gap across the board. He said his plan will create 1.4 million jobs by the end of 2004.

According to the same report President Bush cites by macroeconomic advisers of St. Louis, his tax cuts actually have the potential to harm the economy in the long run, but the President did not mention any references to those parts of the report stated later on.

The President has said eliminating the double taxation of dividends is good for enhancing the lifestyle of millions of Americans all across the country. The reality is that only 22 percent of those with incomes under $100,000 reported any dividend income in the year 2000. The average tax cut from the dividend exclusion would be $29 for those with incomes below $40,000.

There is a lot to discuss. There is a great need in this country to do what the American people are hoping we will do, and that is take up issues they are concerned about, to address the issues they will rise and fall on over the course of the next several months.

I cannot tell my colleagues the emotion I feel in the room oftentimes as I talk to businessmen whose lips would quiver, whose eyes would moisten, who would tell me: TOM, I do not know if I can be in business a year or two from now if things do not change. I have not sold a piece of farm equipment in 2 years. I have seen my sales plummet more than 20 percent in the last 3 months. I have no confidence about how we are going to turn this around, they tell me, unless you in Washington understand that things have to be done to make this economy better.

What do we do? We come back to Washington and we are back in the same old trap, talking about the same old thing. That will not change until Mr. Estrada is more forthcoming. So we can spend time on the economy or we can spend time talking about issues that have no relevance to the daily lives of the people of South Dakota and the people all across this country.

Mr. CORZINE. Will the minority leader yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from New Jersey.

Mr. CORZINE. I truly appreciate the focus on issues that matter directly to the people who live in our States and who live across the country.

The Senator spoke about the individual business person who had not sold any farm equipment. We are closing the last two autoplants in New Jersey over the next 2 or 3 years. They have already cut down to one shift. Bell Labs, one of the great research institutions of America, has literally been a part of the reduction of 130,000 jobs at Lucent, a lot of them in New Jersey. A lot of the Bell Labs people are doing basic core research, and the people are very upset.

That is what that consumer confidence number is. It is incredible in the history of real measurements of what is going on in the minds of American consumers. By the way, it is going on in business, too.

I ask the minority leader whether he saw yesterday's survey from Manpower, Inc. They said only 20 percent of businesses in America think they will add any jobs in the next 6 months, an indication of the kind of depth of concern that actually exists in the business community in conjunction with consumer confidence.

I applaud the minority leader for making sure we are being focused to have a debate about something that matters to people's lives, and I hope we can bring forth a real debate about a stimulus program to get our economy going, put people back to work because that is where real concerns seem to be. I presume that is the kind of question the Senator is receiving in South Dakota.

Mr. DASCHLE. I appreciate very much the comments of the distinguished Senator from New Jersey because I think among us all no one knows these economic issues better than he does.

Again, I would say to the distinguished Senator, this is part of that credibility gap I was referring to. The President professes to be concerned, the President talks about his proposals to address the economy, and yet we are not planning to take up any economic stimulus for months, I am told. It may be May before it comes to the Senate. How can anybody with any truthfulness express concern about the economy and say, no, but we will just do it later? We will not do it this week, we will not even do it this month, we will do it sometime down the road but, yes, I am concerned.

When they look at consumer confidence, when they look at the numbers of jobs lost, when they see those plants close, when they see the consumer confidence drop as precipitously as it has, how in the world can anybody in the world confess to be supportive of economic recovery and economic stimulus with numbers like that and the inaction we see from the White House?

Mr. CORZINE. If the minority leader will yield for one other observation and question, has the Senator noticed the fact that we have lost almost another trillion dollars in market value? And by the way, that translates into 401(k)s and IRAs for individuals. Those are some very serious numbers, actually since this program with regard to dividend disclosure has been announced. There is a credibility gap between the reality of what is being suggested as an economic growth program and what is actually occurring out in the real world. Certainly my constituents and the people I hear from around the country and in the business community are saying much of the same thing. I presume that is what the Senator is hearing as well from the folks in South Dakota.

Mr. DASCHLE. I say to the Senator from New Jersey, that is exactly what I am hearing from the people of our State. As I have traveled around the country, I hear it in other parts of the country as well. This is a very serious issue that will not go away, and I think the more we face the uncertainty of war, the more we face the uncertainty of international circumstances, the more this domestic economic question is going to be exacerbated.

People want more certainty. They want more confidence. They want to at least believe we understand how serious it is out there and we are going to do something to address it. And what do we do? We come back after a week's break and not one word about the economy from the other side, not one word about the recognition of how serious this problem is. We are still talking about the Estrada nomination.

UNANIMOUS CONSENT REQUEST—S. 414

I ask unanimous consent that the Senate proceed to legislative session

and begin the consideration of Calendar No. 21, S. 414, a bill to provide an economic stimulus package.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Several Senators addressed the Chair.

Mr. DASCHLE. Mr. President, I believe I still have the floor privilege.

The PRESIDING OFFICER. The Democrat leader still has the floor.

Mr. DURBIN. Will the Senator from South Dakota yield?

Mr. DASCHLE. I yield to the Senator from Illinois.

Mr. DURBIN. I thank the minority leader for coming to the floor, and I hope those who are following the debate understand what just happened. The minority leader of the Senate has asked this Senate to move to the issue of the state of America's economy, that we take up immediately the question of what we can do to save businesses, create jobs, and I think foster some hope in America.

There was an objection immediately from the Republican side of the aisle. They do not want to discuss this issue.

I ask the minority leader the following: Since he has been home—and I have been in communication with the people of my State of Illinois—is it not a fact now that we have reached a point where our economy is dissembling, our foreign policy is in disarray, and this Congress is totally disingenuous, it ignores the reality of the challenges facing America today? I also ask the minority leader if he would tell me what he believes we should be debating at this point in time to do something about turning this economy around and bringing hope back to America.

Mr. DASCHLE. I thank the Senator from Illinois for his observation and his question. If we go home—and I know the Senator from Illinois was just home as well—there are two issues on the minds of virtually every American right now. I was asked questions everywhere I went pertaining to the Senator's first question, and that, of course, is what is going to happen in Iraq? We generally have an idea of what may evolve over the course of the next few weeks, and there is not much that South Dakotans can do about that.

The second question is, What is going to happen to my economic circumstance?

I talked to one businessman who had to lay off a couple of his employees, and it hurt him dearly. They had worked for him for a long period of time. He said: Tom, I have no choice.

I talked to people who had their health insurance dropped, in part because business was so bad their employer could no longer sustain the cost incurred of paying their health insurance. They said: We understand, but at least we got to keep our job.

But what are you going to do about it? That is the question. What are we going to do about it? What will the majority do about it? What message are we going to send to those people to whom we must show some empathy if, indeed, these conversations with our constituents mean anything at all? That is why it is imperative we are cognizant of the message we send today, tomorrow, the next day, and the next day.

As this economy worsens, we spend our Senate time totally consumed with one nomination having to do with a circuit court nominee for the District of Columbia. This is the third week we have been on it. We can resolve this matter if Mr. Estrada will come forth with the information. But if he will not, let's move to something else until he does.

Mr. DURBIN. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator.

Mr. DURBIN. I have followed this debate on a daily basis. If I am not mistaken, the Senator from Utah, Mr. BENNETT, came to the floor with a positive and constructive suggestion. He said that this nominee, Miguel Estrada, should produce the written documents from his experience working for the Department of Justice, working for the Supreme Court. In fact, he even suggested at one point they be produced so they can be reviewed carefully by both the Republican and Democratic leaders of the Senate Judiciary Committee and then a determination be made as to whether there should be followup hearings or questions and ultimately a vote so there would be disclosure. This suggestion did not come from a Democratic Senator; it came from a Republican Senator, Mr. BENNETT of Utah.

I thought it was a fair suggestion to break the logjam, to resolve this nomination up or down, and to move on to the people's business.

Can the Senator from South Dakota, our minority leader, tell me whether that suggestion of producing those documents really is consistent with what we are trying to achieve so we can once and for all give Mr. Estrada his fair hearing and final determination? Is that what this is about?

Mr. DASCHLE. That is exactly what this is about. I thank the Senator for asking the question. It is no more complicated than that.

On a bipartisan basis, Republican and Democrat Senators have said we need the best information that can be provided by any nominee before we are called upon to fulfill our constitutional obligation. That is what we are suggesting. We need that information to make the best judgment. That information is being withheld.

If I had an applicant for a job in my office and I said, I want you to fill out this application and I will be happy to consider your qualifications for employment in my office, and he or she said, I don't think I will fill out the second and third page, I will give you the front page, I will give you the name, address, and maybe my employment history, but that is it, you have to make a guess as to the rest of my qualifications because I am not telling you, I would say to that prospective employee, come back when you can fill out the full application. That is what I would say. That is what every employer in this country would say.

Remarkably, when I went home last week and explained the issue to my constituents, they said: That sounds fair. That sounds reasonable. If an applicant for a lifetime position on the second highest court of the land is not willing to fill out his job application, how in the world should we consider that nominee as a bona fide applicant for the position in the first place? That, again, is a diversion from what I think most people are concerned about. They are concerned about this, and they want fairness, but they are a whole lot more concerned about whether they will be giving job applications to anyone in their State in their circumstances because they are doing the opposite.

We do not have lifetime applications for jobs in South Dakota because the economy is very soft. If anything, we are losing jobs in South Dakota. So while we talk about 1 job for the circuit court, we have lost 2.5 million jobs in the last 2 years in this economy. That does not make sense. That is what the American people want us to address.

Mr. DURBIN. If the Senator will yield for a last question, many people on the other side suggested we are picking on Miguel Estrada, we have focused on this man, a Hispanic nominee, and this is somewhat personal in terms of what we are trying to achieve.

I ask the Senator minority leader, is it not our constitutional responsibility to establish a standard and process to apply to all judicial nominees so that there is full disclosure from them as to who they are, what they believe, their values, so if they are given a lifetime appointment on the court, we at least know, going in, who these people might be. Is it not also the fact, as the Senator from South Dakota has told us, that Miguel Estrada has consistently refused to do just that, consistently refused to answer the questions, consistently refused to disclose the documents, consistently refused to tell us who he is as he seeks one of the highest Federal judicial appointments in the land?

I ask the Senator from South Dakota, is this an issue which goes beyond Miguel Estrada and calls into question the constitutional responsibility of the Senate when it comes to judicial nominees? We have approved 103 Federal judges for this Republican President, and I have voted for the overwhelming majority of them. Are we not in this discussion trying to raise the fundamental issue of equity and process as to the responsibility of the Senate under the Constitution?

Mr. DASCHLE. The Senator from Illinois has said it very well. That is exactly what this is about. At one level, this is about fulfilling constitutional obligations. This is about following precedent. This is about making sure there is fairness as we consider these nominees for all courts, but especially for courts at that level.

This is also about something also, about the management of the Senate. While the Senate has been concerned about one job for the last 3 weeks, a lot of us are saying we ought to be concerned about the 8.3 million jobs we do not have in this country today as a result of disastrous economic policies on the part of this administration, 2.5 million of which have been lost in the last 2 years. We spend our time talking about one job; there is no talk on the other side about all of those millions of jobs lost in this country because there is no economic policy.

What we are suggesting this morning is that there ought to be some consideration for those jobs, too; that to be consumed by one job and not consumed, or at least willing to address those millions of other jobs, is something I cannot explain to the people of my State or to the people of our country. I hope our Republicans will do something along those lines in the not too distant future.

Mr. SCHUMER. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. SCHUMER. Two questions. I want to follow up again on what the Senator from South Dakota said in the dialog with my colleague from Illinois. First, I know the Estrada judge issue has gotten a lot of attention in the newspapers. When I go back to my State of New York, virtually no one asks me about it—very few people. I get lots of people asking about the war and also about the economy and jobs. Is that particular to New York because we had September 11 or is the same thing happening in South Dakota?

Mr. DASCHLE. I say to the Senator from New York, before he came to the floor, I began my comments by reporting conversations I had with people back home last week. I was moved by the comments, by the reports, by the emotion I felt as I talked to people whose businesses, whose jobs, are perhaps more precarious than they have been for years. All the statistics bear that out. Consumer confidence is the lowest in 10 years, the number of those unemployed going up by millions in the last 2 years; every economic indicator is pointing to the growing crisis we face in the economy.

Yet what do we do? We find ourselves once again most likely scheduled for the entire week, debating 1 job rather than the 2.5 million jobs lost just in the last 2 years alone.

Mr. SCHUMER. If my colleague will yield for another question, we have seen in the newspapers the talk that the Democrats are filibustering, that Democrats are preventing the Senate from going forward to other issues, whereas the Republicans are eager to go to other issues.

The real truth on this floor is, first of all, that we have asked just now to go to economic issues, that last week when the Republican leadership—they run the show—decided to bring up this omnibus budget, the Estrada nomination did not stand in the way. We did it. We voted in one fell swoop for the entire Federal budget, and, in fact, last week this floor, because the Republican leadership chose to do so, actually voted on three other judges who I believe passed unanimously, if not close to unanimously. And the filibuster, in a sense—in a very real sense—is not being conducted by the Democrats but rather, led by my capable and good friend from Utah, by the Republicans, and we would be happy to move on to other issues that are pressing, that are on people's minds, and maybe come back to this issue at some point when we get the requested material.

Just to rephrase my question, who is really preventing us from moving forward? Who is filibustering? Why are we staying on this issue? Is that the Senator's choice as the leader of the Democrats or is that the choice of our good friend from Tennessee as leader of the Republicans?

Mr. DASCHLE. I think the Senator from New York put his finger on exactly the question. We just attempted to move on to something else. We were prevented from doing so. It is not just something else but perhaps the single most important domestic issue facing our country today. Yesterday, the request was made and agreed to that we take up the Hatch-Leahy PROTECT Act, as we should have agreed. I am glad that we were able to take it up and pass it.

The Senate has demonstrated the ability to move off this legislation when it sees fit. We did it just yesterday. As the Senator from New York suggests, we did it again a few weeks ago with passage of the omnibus legislation. We are capable of moving off the bill and dealing with the other issues. I can't explain why we have chosen—why our Republican colleagues have chosen—to stay on this legislation even though we know there are so many more pressing issues that ought to be taken up. I can't explain their intransigence. I can't explain why they want to prolong this debate. I can't explain why they are unwilling to consider the 2.5 million jobs rather than the one job that we continue to debate on the Senate floor. That is inexplicable to me.

I just hope the American people understand. We have come back after listening to our people. They made it clear to us what they want us to take up. They want us to deal with the economy. They want us to deal with the real problems we have with homeland security and the lack of training, the lack of communication and the lack of good technology and equipment which they need so badly. They do not have that either. That, too, would be economic in many respects, if we can provide that assistance. But it is not being provided because it is not being given the attention. Therein lies the credibility gap. Something is said and nothing is done. There is a big difference between rhetoric and reality when it comes to this administration and many of our colleagues on the other side.

Mr. SCHUMER. If my colleague will yield for just one final question, might it not be fair to say that it is not the Democrats filibustering to prevent Estrada from coming forward for a vote but, rather, the Republicans are filibustering until they get the vote on Estrada, which they have so far refused to call for? Is that an unfair characterization?

Mr. DASCHLE. That is exactly what happened this morning. If we were filibustering we would not have suggested that we get off the issue. A filibuster is to prolong the debate. We want to end the debate. We want to move on to something far more pressing to the people of this country than the one job. We want to talk about those 2.5 million jobs that we have lost. Therein lies the issue.

I hope the Republicans will bring this debate to a close so long as it doesn't appear that Mr. Estrada is willing to cooperate. At such time as he is prepared to do so, we can take this matter up again. But in the meantime, we ought to be concerned about those millions of jobs that continue to be lost because of congressional inaction and because of a failed economic policy on the part of the administration.

Mr. SCHUMER. I thank the leader.

Mr. CORZINE. Mr. President, will the distinguished minority leader yield for one more question?

Mr. DASCHLE. I am happy to yield.

Mr. CORZINE. Mr. President, I asked questions earlier about the private sector. I think we have all 50 Governors from across this Nation now in the Nation's Capital. I know many of them come to visit their Senate representatives and their congressional representatives. I wonder if the minority leader has had one single Governor approach him with respect to the Estrada nomination or whether he has had one single or multiple Governors come and talk about the state of their fiscal affairs in their State governments and their unbelievable difficulty in trying to maintain employment and support in Medicaid and all the other issues. I was just wondering if the minority leader has had any discussions with them about Judge Estrada versus the sake of the economy—or homeland security for that matter.

Mr. DASCHLE. I think the Senator from New Jersey asked the question that makes the point. The answer is absolutely no. Our Governors, of course, are hearing from the same people we are hearing from. They are concerned about the status quo. Someone once told me the status quo was Latin

for the ''mess word.'' Their concern for the ''mess word'' and this mess continues to be compounded by a budget deficit that grows by the month. We are told now that we could exceed $70 billion. Some have suggested that the figure could be as high as $100 billion in debt. They are struggling with their own budgets in part because of the mess we created for them in Medicaid, in education, in homeland defense, unfunded mandates, and the sagging economy, and no real economic plan in place. Their message in coming to Washington is: Fix it; help us address this issue and be a full partner recognizing that you, too, have a full responsibility to engage with us in solving this issue.

I think if you took a poll of all 50 Governors, should we stay on the Estrada nomination or should we address the economy and these budgetary questions, it would be unanimous—Republican and Democrat—they would say no; fix the economy and help us solve our own financial and fiscal problems. Do not be as consumed as you are about one job until you solve the problem for those 2.5 million jobs that haven't been addressed.

Mr. CORZINE. I join with my colleagues on this side of the aisle in complimenting the leader and for rating this issue one job versus 2.5 million jobs. We have a major issue in this country with regard to our economy, and that is at the top of our agenda.

Mr. DASCHLE. I yield the floor.

Mr. HATCH. Mr. President, I have heard these crocodile tears on the other side. It is amazing to me because they know what a phony issue is—the request for confidential and privileged memorandum from the Solicitor General's Office—and they are building their whole case on that. All they have to do to go on to anything else in the Senate is to exercise the advice and consent that the Constitution talks about; that is, to vote up and down. If they feel as deeply as they do about these, I think, spurious arguments that have been made just in the last few minutes—by the way, made by people who had all of last year to come up with a budget, and for the first time in this country couldn't even do that. The reason they didn't is because they knew it was pretty tough. They criticized us all these years for coming up with these tough budgets because we had to make the decisions. Senator DOMENICI from New Mexico has had to make tough decisions as Budget Committee chairman. We always came up with a budget, as tough as it was. We are criticized all the time for not having enough money for the poor and this and that and everything else, every phony argument in the books. Yet when they had the opportunity and saw how tough it is to come up with a budget, my gosh, they did not do it, nor did they do all those appropriations bills that we had to do once we took over.

All they have to do to go on to these wonderful economic issues—and we all want to do it—is allow a vote up or down. They don't like Miguel Estrada for one reason or another. Some of them are perhaps sincere reasons. I think other reasons are that they think he is just an independent Hispanic. Frankly, they do not like him. Vote him down, if you want. They have that right. If they feel sincerely that they are right in voting him down, vote him down. But let us have a vote. I have heard the distinguished Senator from Illinois ask, Why doesn't Mr. Estrada produce those papers? He is not in the Solicitor General's Office. He is not the Attorney General of the United States. He is not the Chief Counsel of the White House. He hasn't controlled those papers. As far as he is concerned, he is proud of his work and they could be disclosed. The problem is seven former Solicitors General—four of them are Democrats—said you can't give those kinds of papers up because it would ruin the work of the Solicitor General's Office.

Look, if they are sincere and they really want to get on to the budget work they never did last year, the appropriations work they never did last year—we had to do it—then just vote. It is tough work. By gosh, it is tough to come up with a budget. I know the distinguished Senator from New Mexico has had to go through a lot of torment and criticism year after year to come up with a budget. But he always did, and we always did. We were maligned by the other side because we were never good enough, because we had to live within the budget constraints. When they found that they had to live within the budget constraints, they skipped a beat and missed doing the budget.

Here they are coming in here with crocodile tears saying a circuit court of appeals judge is not important enough. Well, if he is not, vote him down, let's have a vote, and let's vote him down. Now——

Mr. SCHUMER. Will my good friend yield for a question?

Mr. HATCH. If I could finish. I am wound up right now. I would like to unwind a little bit before I yield to my dear friend.

And to say that we are filibustering because we are trying to get a vote on this? Why don't we just do that? Why don't I just—I ask unanimous consent that we proceed to a vote on the Miguel Estrada nomination, so we can get to all these important budget matters. It would be a quick way of doing it. And those who do not like Miguel Estrada: vote him down. Those who do: vote him up. I ask unanimous consent that we proceed to a vote on Miguel Estrada.

The PRESIDING OFFICER (Mr. SESSIONS). Is there objection?

Mr. REID. I ask to amend the unanimous consent request, that after the Justice Department provides the requested documents relevant to Mr. Estrada's Government service, which were first requested in May 2001, the nominee then appear before the Judiciary Committee to answer the questions which he failed to answer in his confirmation hearing and any additional questions that may arise from reviewing such documents.

Mr. HATCH. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Can you amend a unanimous consent request? It is my understanding that you can't.

Mr. REID. Of course you can. Absolutely. We do it all the time.

Mr. HATCH. Not if we object.

The PRESIDING OFFICER. The Senator from Nevada can ask the Senator from Utah to modify his request.

Mr. HATCH. Well, I refuse to modify it. I think we ought to vote up or down.

Look, if you folks are sincere on this other side—and, my goodness, I have to believe you must be, although I think if you are not, it is the most brazen thing I have seen in a long time to come here and act like the whole world is being held up because we want to fill one of the most important judge seats in this country. And we want to do it with a person who has had this much of a transcript of record, who has this much of a paper trail that they have been able to examine, who has had 2 years sitting here waiting for a stinking solitary vote.

Mr. REID. Parliamentary inquiry.

Mr. HATCH. Why not give him a vote?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

Mr. REID. I object.

Mr. HATCH. Oh, my goodness.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Objection is heard.

Mr. HATCH. Mr. President, the distinguished minority leader said that half of the American people are only getting $100 out of this tax cut. I happen to know, the people who are at the $40,000 level are getting about a $1,000 tax cut. Just understand, the top 50 percent in our society pay 96-plus percent of the total income taxes in this country. So that is another phony argument.

I have to say, there are 52 million people in the stock market who have wanted dividends in spite of the representations that were made here. And in this downturn in the economy, perhaps they have not been able to get dividends because the companies have not done well. But this downturn started in the year 1999 or 2000. This President was not the President at the time. He has inherited these problems.

I just have to say that for people who never passed a budget last year, and did not pass hardly any of the appropriations bills, to come in here and use these crocodile tears, that this is somehow holding up our economic wherewithal in this country, when they refuse to allow a vote, as we just saw—I think there is something wrong here.

Just remember, even the Washington Post said, ''Just Vote.'' Just vote, fellows and ladies. All you have to do is vote. If you don't like Miguel Estrada, vote him down.

The reason they don't want a vote, and the reason this is a filibuster, is that they know Miguel Estrada has the votes here on the floor to be confirmed.

And for those who think that the economy is everything, let me just make a point. The judiciary is one-third of these separated powers. If we don't have a strong judiciary in this country, we will never have a strong economy because the Constitution would not be maintained. I would have to say this body has not maintained it through the years, as I have seen unconstitutional legislation after unconstitutional legislation move through here. It isn't this body that has preserved the Constitution, nor has it been the executive branch. We have seen a lot of unconstitutional things over there over the years, although I believe people have tried to sincerely do what is right. But it has been the courts that have saved this country and the Constitution.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. HATCH. I will. Let me make one more statement.

It has been the courts. This is an important position, and if we are going to have to go through this on every circuit court of appeals nominee because the other side just doesn't like them—they don't have a good, valid reason for voting against Miguel Estrada, other than this phony red herring issue about the Solicitor General's Office, which I don't think anybody in their right mind would buy.

''Just Vote,'' the Washington Post said.

I will be happy to yield to my colleague.

Mr. SCHUMER. I thank my colleague. And I know he feels passionately about this. Many of us feel passionately about this.

Mr. HATCH. More than passionately.

Mr. SCHUMER. I would like to ask the Senator two questions.

The first question is this. My colleague said, in a very well done speech—I read it—before the University of Utah Federalist Society, in 1997:

> Determining which of President Clinton's nominees will become activists is complicated and it will require the Senate to be more diligent and extensive in its questioning of nominees' ''jurisprudential views.''

Now, in fairness to my friend——

Mr. HATCH. Does the Senator have a question?

Mr. SCHUMER. I have a question. I am coming to it. In fairness, the Senator just said how important the judiciary is.

Mr. HATCH. That is right.

Mr. SCHUMER. Now, in those papers, the books that my colleague has held up—I have read them. I read the whole transcript. I was there for much of it. I chaired that hearing.

Mr. HATCH. There is a lot more than a transcript here.

Mr. SCHUMER. I know. I ask my colleague, does Miguel Estrada talk about how he feels about the 1st amendment, or the 2nd amendment, or the 11th amendment, or the commerce clause, or the right to privacy, or all the major issues that he will rule on for the rest of his life if he becomes a judge? And if he does not, other than to say, ''I will follow the law''—and we all know judges follow the law in different ways—then why isn't what is good for the goose good for the gander?

In other words, when it was a Democratic nominee—and this is not tit for tat. My colleague, who cares about the judiciary, said he needed extensive questions. We didn't get that opportunity because, as my colleague well knows, Mr. Estrada just said, on every issue asked, ''I will follow the law.''

Mr. HATCH. Ask a question.

Mr. SCHUMER. My question to my colleague is——

The PRESIDING OFFICER. The Senator from New York will place a question.

Mr. SCHUMER. Why shouldn't we be accorded the same right, as he espoused in his speech in 1997, to get all the details to this appointment to the second highest court of the land, which is going to have a lifetime—Mr. Estrada has a job now; but this is a different job—a lifetime appointment that will affect everybody? Why is the one different than the other?

Mr. HATCH. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Look, I don't withdraw that statement. That statement is an important statement. The distinguished Senator from New York and his colleagues had almost 2 years. The distinguished Senator from New York conducted this hearing. The distinguished Senator from New York said it was a fairly conducted hearing. The distinguished Senator from New York had a right to ask any questions he wanted. He did. The distinguished Senator from New York had a right to ask written questions. He did not.

He could have asked: What do you think about the 11th amendment? Listen, that is a question that is almost improper because you are saying——

Mr. SCHUMER. Could I ask my colleague to yield?

Mr. HATCH. Let me finish answering your question. He could have asked: What do you feel about the first amendment? Are you kidding? That is not a question that should be asked a judicial nominee. And any judicial nominee would answer: What I feel is irrelevant—which is the way he answered it. It is what the law says. Frankly, he answered that time after time after time on question after question after question.

Where were the written questions of the distinguished Senator from New York? They were not there. You had a chance to do it. You didn't do it. Now, after the fact, 2 years later, this man has been sitting there, waiting for fairness, being treated totally unfair, and he can't get—my gosh, he can't get a vote up or down, which is what the Washington Post says we should do.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. HATCH. I know Senator DOMENICI has been waiting a long time.

Mr. SCHUMER. Sir, I was waiting longer than Senator DOMENICI. If my colleague will yield?

Mr. HATCH. No. Senator DOMENICI has been waiting for well over an hour. And, well, I am not yielding the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. DOMENICI. Mr. President, might I ask the distinguished Senator from Utah how much longer he intends to speak on this round?

Mr. HATCH. Well, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

THE ECONOMY

Mr. DOMENICI. Mr. President, I would like to discuss for a few minutes with the Senate, and those who are interested in what we are doing here, first, the issue of the American economy and what we ought to be doing about it because the other side of the aisle—the Democratic leadership in the Senate—has decided that they are not going to permit us to vote on a most eminently qualified nominee, whose qualifications I will discuss shortly.

They come to the floor and discuss an issue—to wit, the American economy and the plight of the American worker—as if they can do something about that problem, as if they have a solution to the economic woes in this country, as if they could do something in the Senate that would help the working people.

They have no plan. The plans they have submitted are, according to most economists, far inferior to the only plan we have, and that is the plan of the President of the United States.

Nobody should be fooled by this discussion. We can take to the floor for the next 5 weeks and have speeches by the other side of the aisle claiming that they are concerned about the working people, that we have problems in the economy, but none of that will do anything to help the American people. If we know how to help them, we have to do something. And to do something, we have to act in the Senate and the House or the President has to act. As a matter of fact, the Budget Committee, which is currently chaired by the distinguished Senator from Oklahoma, Mr. NICKLES, which I used to chair, and which 3 years ago was chaired by a Democrat because they were in control, has to produce a budget before we can do anything.

So in response to all the rhetoric, we can take no action until we have a

budget that lays forth what we will do, when we will do it, and how we will do it.

I submit that the chairman of the Budget Committee this year will produce a budget on time. It will come to the floor on time. I predict it will be passed on time, as compared with last year when the other side of the aisle was in charge of the budget. They produced no budget. They came to the floor and said: We can't produce it because it is too hard and we don't have the votes. So we did nothing. Isn't that spectacular, that the leadership on that side of the aisle, the last time they were charged with doing something for the American people with a budget, punted? They punted. They had no plan. They produced none.

Today, when we have a bona fide issue that we can do something about—that is, appoint a circuit court judge who is qualified—they have the effrontery to come to the floor and engage in a discussion as if a discussion about the plight of the American worker would solve the problems of the American worker. What will their discussions do for the American worker? Do they have some grand plan they want to come down here and talk about? They have been doing it in spite of whatever the debate is. They have been talking about whatever plan they had. I have not seen it foment any great enthusiasm on the part of those who are worried about the American economy, unless it is themselves talking to themselves. I have heard no great group of American economists saying: Boy, they have a great plan to help the American workers. Quite to the contrary.

There is only one plan around that has significant support. And if they want to change it, they will have their opportunity. But it will not get changed with speeches. It will get changed when the bills come to the floor. They will be here in due course. As a matter of fact, they will be here faster than they ever got here when the Democrats were in control.

We have a commitment from the chairman of the Budget Committee that it will be here on time and that it will be a plan that will be voted on by that committee and presented to us so we can vote on it on behalf of the American people. That side will have their chance to amend it, if they can. That is what we are going to do. We are going to start that and then move it right along. We will move it more expeditiously than it has ever been moved before because we have the will, we have the leadership in the White House, and we understand that we have to produce a budget resolution with the requisite mandates to the committees of the Senate to reduce taxes in whatever way we collectively want, be it the President's wishes or some other plan. But we have to do it—not speeches, not coming down here and creating something sort of a let's have another showdown here on the floor, let's talk about the economy because we don't want the Senate to vote on the issue that is justifiably before us—to wit, whether or not Miguel Estrada is entitled to have a vote.

I thought it might be interesting to look at a few comparisons. I took some of these judges who sit on the DC Circuit. Let's see how they compare with the nominee and what happened to them as they came before the Senate.

We have Karen Henderson, appointed by George Bush; we have Justice Rogers and David Tatel; then we have Miguel Estrada. Let's look at a comparison. These judges are there on the bench, they were appointed and confirmed. Here is one from Duke University, Judge Henderson, who attended the University of North Carolina Law School. It is interesting, as far as other things are concerned that those candidates did to prepare them to sit on the bench, such as Circuit Court clerkships, Supreme Court clerkships, and Federal Government service. Look, these others had none. Yet, they were deemed to have had adequate experience to go on the bench. And Miguel Estrada is not.

Look at what he has done compared to them. Just look at the list. Obviously, he graduated from a comparably good law school. His is Harvard. One of theirs was Chicago. One of theirs was Harvard. One was North Carolina. And then look at all the other things he has done. Yet they say he is unqualified. But these two—these three get appointed. They are serving, and they are apparently qualified.

Look at the really important issue. Look at how long it took this judge from the time her name was submitted to take her seat on the bench—51 days. No aspersions on this judge. She must be great. She got there in 51 days. But she had none of the experience Miguel Estrada had. She graduated from a good law school, certainly. And she went to an undergraduate school, got a degree at Duke, a great university.

But how about experience, the experience of being part of the Attorney General's Office of the United States, which this candidate did under a Democrat and a Republican, a circuit court clerkship, Supreme Court clerkship? They had none of that, and look at how quickly they got appointed: 51 days, 113 days, 108 days. Look at Miguel Estrada: 650 days and counting since he was recommended until today while they continue to say: No vote.

Again, we have a lot of time in the Senate. So the Democrats can come down here this afternoon, and nobody is going to keep them from debating the economy. If they want to equate a debate in the Chamber of the Senate about the economy and call it 2 million to 1, or whatever words they were using, let them have it. It doesn't do anything to help the American people and the working man. What it does is detract from the fact that they want to change the precedent of this institution.

I am hopeful that before we are finished, good leaders on that side of the aisle, including the distinguished minority leader, will exercise some common sense about the future of the Senate and the appointment of Federal judges. The future of this institution as an institution that is supposed to look at the Presidential nominees and work with Presidents and then indicate whether we want to approve them or not is in real jeopardy because they are about to say that from this day forward, because of their stubbornness about this nominee, they are going to change the rules so that judges will need 60 votes, not the majority rule that we thought existed.

I will not yield to my good friend. I see him standing out of the corner of my eye, and I will save his words. Please understand, I will yield soon.

So what they would like to do is to change from 51 votes being necessary to approve judges of the United States under our Constitution—because of what I perceive as nothing more than an unfounded fear—and you know, their fear is not the one that has been expressed. Their fear is that this young man will be a great judge and, besides that, he is Hispanic, whether you want to argue, as some would, that a Honduran who is Hispanic is not Hispanic, which is a most incredible argument. If we were to start that across America when we are talking about Hispanics, we are going to have to decide which one is Hispanic, and if a Honduran with his family name is not one, as some would say on that side of the aisle, that is pure, absolute lunacy.

So they are going to say we don't want him there, but it is not because they fear him as a circuit court judge. They fear him because he is then, if he sits on the circuit court, a legitimate, potential U.S. Supreme Court member. We have not had one who is Hispanic. They are frightened to death. While all of their fear is illegitimate, some of it is selfish fear because they think their party should be the one that nominates a Hispanic who would be on the U.S. Supreme Court. They think that because Hispanics are predominantly members of the Democratic Party, they should be the party that puts into position a Hispanic who might go to the highest bench in the country.

I believe that is a terrific burden to place on this young man, who at this early age has accomplished more, by way of experience, legal accomplishments, and academic accomplishments, than any of the members sitting on the circuit court today.

I finished talking about those judges who were far less experienced and how long it took them to become judges. Now I will take these judges who have comparable experience to Miguel Estrada. I find that by looking in the records and seeing what they did. In addition to the law schools and undergraduate, it looks like circuit court clerkships, looks like Supreme Court

clerkship, looks like Federal Government service are pretty much equivalent to what Miguel Estrada has. Look here, it took only 15 days from the time of nomination to confirmation. Raymond Randolph, appointed by George Bush, attended Drexel University; graduated from Pennsylvania Law School, summa cum laude, much like Miguel Estrada; who was a circuit court clerk for a Second Circuit Judge; Assistant Solicitor General and Deputy Solicitor General. That is much like Miguel Estrada. It took 66 days from nomination to vote. A comparably equipped nominee, it took 66 days.

Another one is Merrick Garland, appointed by President Clinton, graduate of Harvard, summa cum laude; Harvard Law School, circuit court clerk, special assistant—very much the same as Miguel. That took only 71 days. Isn't that amazing? Very comparable credentials. This man has been waiting 650 days—Miguel Estrada—and it is continuing day by day.

I don't get a chance to come down here as frequently as some, although Senator NICKLES and I agreed many months ago that we would be special friends to Miguel Estrada and help him as he moved through here. He has so many helpers in a job that is very simple. Senator NICKLES spoke yesterday and he referred to that special kinship. I haven't been here as often as some but I have heard some very good speeches. I heard some very good efforts on the part of the other side of the aisle to justify the delays that are taking place. Some have wondered whether it does any good for Republicans to insist that this man be given an up-or-down vote, and that whatever is occurring on the other side of the aisle—I have given you four or five reasons it may be occurring—but I suggest our effort is doing some good.

I will tell you that in my State three newspapers over the weekend announced in open and bold editorials that the Democrats should stop the filibuster, retreat from it, and get on with the vote. One of them is a newspaper known as the Santa Fe New Mexican. Obviously, those who know our State know that this paper—a very old newspaper—is certainly not a conservative newspaper. They say in their editorial—the lead words are—Bingaman—meaning our Senator—''Bingaman should lead the Dems' filibuster retreat.'' They have a very lengthy discussion of why my colleague, the junior Senator from New Mexico, should lead the Democrat retreat from the filibuster that is working its way on the Democrat side. I ask that the editorial be printed in the RECORD.

[From the Santa Fe New Mexican, Feb. 24, 2003]

BINGAMAN SHOULD LEAD DEMS' FILIBUSTER RETREAT

As legendary prizefighter Joe Louis said of an upcoming opponent reputed to be fast on his feet: ''He can run, but he can't hide.''

Senate Democrats, along with the Republican majority, fled Washington last week as their way of honoring Presidents' Day. The annual recess suspended their filibuster against a federal judgeship vote. The Dems are making an unwarranted stand, and an unseemly fuss, over the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit.

The filibuster—protracted talking under senatorial privilege—had consumed a week of debate about Estrada before the senators left town. Now they're gravitating back to the Potomac, and the Dems can hide no longer. Resumption of their verbose balking will make them look ridiculous—at a time when the nation needs statesmen to stand up against the White House warmonger and his partisans commanding Capitol Hill.

The Democrats have chosen a particularly poor target: Estrada, who came from Honduras as a boy and went on to lead his law class at Harvard, is better qualified than many a Democratic appointee now holding life tenure on one federal bench or another.

But after confirming so many less-qualified judges while they held power, Estrada's senatorial tormentors now offer ''reasons'' why he shouldn't be confirmed; too young; too bashful about answering leading questions; appointed only because he's Hispanic—or, to some senators' way of thinking, not Hispanic enough.

What really rankles with the Democrats, though, is Estrada's politics. He's a conservative. Surprise, surprise; we've got a conservative president, and it's the president who makes the appointments to the federal judiciary.

As the party on the outs, the Dems had better get used to like-minded appointments from the president. If their game-playing goes on, a disgusted American public might keep George W. Bush in office for the next six years. The country certainly didn't see any reason to balance Bush against a Democratic Congress when it had a chance just a few months ago. With their spiteful behavior toward Bush appointees, the Dems aren't exactly gaining goodwill.

If they find the Republican so repugnant, let 'em vote against him; at least they'll be putting their ideals—or their party colors—on display. But this is no Mr. Smith against some diabolical establishment; it's a bunch of sore losers making themselves even more so.

To break a filibuster by cloture takes 60 senators. The Senate's 51 Republicans need nine of the 48 Democrats, or eight of them and ex-Republican Jim Jeffords of Vermont.

New Mexico's Jeff Bingaman should lead the Democratic blockade-runners. By all measures, Bingaman is a class act; a lawyer who knows that senators have no business obstructing appointments on purely political grounds. He also knows that Republicans aren't going to hold the White House forever; that sooner or later a Democratic president will be choosing judges. And he realizes that Republicans, like their mascot, have long memories.

The last thing our justice system needs is an ongoing feud over appointments to district and appellate judgeships. Let Judge Estrada's confirmation be a landmark of partisan politics' retreat from the courtroom.

Mr. DOMENICI. Mr. President, we have a rather active University of New Mexico newspaper. It is named the Daily Lobo, after the athletic team. They have a columnist there, Scott Darnell, who wrote:

Miguel Estrada isn't probably someone with an immense amount of name recognition—yet.

That is this University of New Mexico editorial comment. Then they proceed to quote the distinguished Democratic Senators who have in the past stated that we should not filibuster Federal judge appointments. They cite TED KENNEDY, our distinguished Senate colleague, and PATRICK LEAHY, our distinguished colleague, and they quote from them as to why we should not use a filibuster when it comes to the appointment of judges.

Of course, the editorial asks, Why now? The editorial proceeds to talk about this young judge and his great qualifications. It indicates that we should not make this mistake in changing what we have been doing for so many years and create a 60-vote requirement for a judgeship.

Then the third article is from the largest newspaper in the State—the Albuquerque Journal. They have a very lengthy editorial piece. The headline is ''End Filibuster, Put Court Nominee to Vote.'' That is the daily Albuquerque newspaper. They merely conclude that the time has come. That is from my home State. I suggest when you put the three together, they have gotten the message very well. They have heard both sides. They quote arguments made on the other side and find them without merit, and they proceed to indicate that, without question, the time has come to have a vote.

I ask unanimous consent that those two articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Albuquerque Journal, Feb. 24, 2003]

END FILIBUSTER, PUT COURT NOMINEE TO VOTE

What the Colt revolver was on the dusty streets of the Old West, the filibuster is on the floor of the U.S. Senate: The great equalizer gives 41 senators the ability to bring the chamber's business to a halt.

The tactic should be unholstered only on issues of high principle or grave importance. Considering the issues currently confronting Washington, the judicial nomination of Miguel Estrada does not rise above partisan wrangling. To block a vote on his appointment to the U.S. Court of Appeals for the District of Columbia Circuit is an abuse of the filibuster.

Democrats say the filibuster is justified because too little is known about Estrada and he has not been forthcoming about his judicial philosophy.

New Mexico Sen. Jeff Bingaman said Friday he has not made up his mind about backing continuation of the delay tactic, and echoed the Democratic indictment of the Honduran immigrant as a stealth conservative.

''Obviously, you become suspicious of a person's point of view if he won't answer questions,'' Bingaman said.

Let's get on past mere suspicions of Democrats and declare guilt by association. Estrada is the choice of President Bush. His views doubtlessly come closer to mirroring Bush's than those of left-leaning Democrats or those of Clinton's judicial nominees.

Feminist Majority president Eleanor Smeal, for one, doesn't need any more information about Estrada to know that in blocking him, ''the Democrat leadership is giving voice to its massive base of labor, civil rights, women's rights, disability rights, environmental, gay and lesbian rights groups.''

Oh, then this is about constituent politics.

There's another constituent-oriented facet: Miguel Estrada is a successful immigrant, current front-runner to become the first Hispanic Supreme Court justice and an obvious role model—in short, a poster boy for Republican recruitment of minorities away from the one, true political faith.

This isn't about suspicions; Estrada is Democrats' worst nightmare from a partisan perspective.

From a personal perspective, Democrats who have worked with him in the Clinton administration have high praise. Seth Waxman, Clinton's solicitor general, called Estrada a ''model of professionalism.'' Former Vice President Al Gore's top legal adviser, Ron Klain, said Estrada is ''genuinely compassionate. Miguel is a person of outstanding character (and) tremendous intellect.''

During Judiciary Committee hearings in September, Estrada said: ''although we all have views on a number of subjects from A to Z, the first duty of a judge is to a put all that aside.''

That's good advice for a judge, and it's good advice for senators sitting in judgment of a nominee. Put aside pure partisan considerations; weight Estrada's qualifications, character and intellect; end the filibuster and put this nomination to a vote.

[From the Daily Lobo, Feb. 24, 2003]

ESTRADA NAYSAYERS HYPOCRITICAL

(By Scott Darnell)

Miguel Estrada isn't probably someone with an immense amount of name recognition—yet.

President Bush appointed him to an open seat on the U.S. Court of Appeals, District of Columbia Circuit on May 9, 2001; he immigrated to the United States from Honduras when he was 15 years old, graduated from Harvard Law School magna cum laude in 1986, has been a clerk for a Supreme Court justice, an assistant U.S. attorney and the assistant solicitor general, among other stints in private practice. He is supported by many national organizations, including the Hispanic Business Council, the Heritage Foundation, the Washington Legal Foundation and the Hispanic Business Roundtable.

Unfortunately, Estrada's confirmation has been delayed and prevented by many Democrats within the Senate, an action fueled by many leftist groups, organizations and lobbyists in America. Currently, Senate Democrats are planning to, or may actually be carrying out, an intense filibuster against Estrada's nomination; filibustering, or taking an issue to death, is definitely a method for lawmakers to prevent a policy or other initiative from ever coming to fruition—ending a filibuster is difficult, especially in our closely divided Senate, taking a whopping 60 votes.

The most unfortunate part of the Senate Democrats' obstruction on Capitol Hill lies in the fact that many high-ranking Senate Democrats have at one time condemned nomination filibusters quite harshly, leaving their intense efforts to carry out a filibuster today very hypocritical. For example, Patrick Leahy, the senior Democrat on the Judiciary Committee, said, from Congressional Record in 1998, that ''I have stated over and over again . . . that I would object and fight any filibuster on a judge, whether it is somebody I opposed or supported.''

Sen. Ted Kennedy said, from Congressional Record in 1995, that, ''Senators who feel strongly about the issue of fairness should vote for cloture, even if they intend to vote against the nomination itself. It is wrong to filibuster this nomination, and Senators who believe in fairness will not let a minority of the Senate deny [the nominee] his vote by the entire Senate.''

Finally, Sen. Barbara Boxer, from California said, from Congressional Record in 1995, that, ''The nominee deserves his day, and filibustering this nomination is keeping him form his day.''

It seems people can change quite a bit in only a matter of years.

But why are Senate Democrats and many leftist organizations so dead set against Estrada's nomination? The obvious answer lies in the fact that the court he is being nominated to is considered the second-highest court in the nation and often times though of as a stepping stone to the Supreme Court.

Secondly, Senate Democrats and organizations such as the NAACP or the AFL–CIO recognize Estrada's ethnicity—they recognize his heritage and the future he is making for himself—but let's face it, he's just the wrong type of minority. He's Hispanic and these politicians and organizations are all for the pro-active advancement of Hispanics, just not his type of Hispanic. The National Association for the Advancement of Colored People is now going to read ''The National Association for the Advancement of Colored People Who Believe in ONLY Leftist Principles and Ideology.''

Miguel Estrada will not, while in whatever courtroom he may preside over, pander to the interests of those who wish to establish and ingrain a persistent racial inequality in America, those who do not now carry out the legacies of past civil rights leaders, but instead bastardize those past efforts by forcing racial tension upon Americans to keep society at their beck and call while gaining personal notoriety, prestige and wealth.

If the Senate Democrats try to filibuster Estrada's nomination, they will be holding back debate and action on the immediate national and foreign issues affecting this country, such as creating and passing the appropriate economic stimulus package, among other important topics.

If the Senate feels that Estrada has committed a criminal or moral transgression at some point in his life that would injure the integrity and standing of his service as justice of one of our nation's highest courts, they should provide sufficient evidence to that end and take whatever measures necessary to disallow a moral or actual criminal from taking the bench. But, in this case, no such criminal or moral transgression can be seen, and the argument against his nomination is purely idealogical; a filibuster would represent a blatant obstruction of our political system and a disservice to the American people. So, as Democratic Sen. Barbara Boxer put it so succinctly a few years ago, ''Let the nominee have his day.''

Mr. DOMENICI. Mr. President, I repeat, it is one thing to delay; it is another thing to talk a lot; and it is yet another thing to attempt to get the issue that is before us and find a way around it and cloud the issue. That is all that is happening this morning with the discussion by the Democratic leadership, joined by certain Democratic Senators, when they argue that Republicans, by insisting that we vote on this nominee, are in some way failing to do justice to the economic problems that exist in our country.

I hope it doesn't take a lot more discussion for people to understand that is absolutely an untruth. It is an absolutely irrelevant argument. They can talk all they like about the economy and quit talking about Miguel Estrada and not one single thing will happen to benefit the American workers, not one thing.

We need to do something, and what we must do is decide whether we want the President's plan or some modification of it. The only way we can do that is to move with dispatch on the issues before us, those issues, in the way prescribed under our rules. There is no one suggesting we should throw away our rules and pass a plan tomorrow morning. Nobody is suggesting we do that.

In due course, in the matter of only a few weeks, we will be voting on whose plan should be adopted to help the American economy move forward.

I submit that the facts are overwhelming that the arguments against Miguel Estrada are not justified. Those arguments do not justify these delays.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:30 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA—Continued

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, nearly 2 years ago, President George Bush nominated Miguel Estrada to serve on the U.S. Court of Appeals for the District of Columbia. When confirmed, he will be the first Hispanic member of this court. But the other side of the aisle has stalled. In fact, as I look back, we have been on this particular nomination since February 5. The other side has continued to stall this nomination, preventing something that is very simple, that I think the American people now understand, and that is a very simple up-or-down vote.

Every Senator in this body can decide either they support this nomination or they do not. Earlier today, attempts were made from the other side of the aisle to bring up other legislation with the call that it is time to move on, and I agree; it is time to move on. We have had hours and days and nights to debate and discuss the opportunity given to both sides of the aisle, and now it is time for us to vote on this nominee.

For nearly 2 years, the nomination of this man—now, remember, the American Bar Association has deemed him well qualified—has languished as some in this body have played politics with his future. They have consistently refused to give Miguel Estrada this very

simple right, I would argue, and that is an up-or-down vote.

In fact, the tactic, which is a filibuster—and the American people understand it is a filibuster—is something my colleagues on the other side of the aisle have said they would not use, filibustering of such a nominee. They have said that in the past. Yet they are filibustering this nomination on the floor of the Senate. We feel that is wrong. We will continue to fight for this up-or-down vote for this qualified nominee.

We came back from a recess yesterday. It is fascinating as we look around the country, even the newspapers, if we look at the top 57 newspapers—I do not think one can say the top 57, but to read what 57 major newspapers in this country are seeing and saying in terms of their editorials, indeed, 50 newspapers from 25 States and the District of Columbia have editorialized either in favor of the Estrada nomination and/or, I should say, against this filibuster of a nominee, in essence saying, yes, please give him an up-or-down vote.

It seems, because we are demanding a supermajority to become the standard, that the other side of the aisle is holding this Hispanic nominee, Miguel Estrada, to a higher standard than any other nominee to this court has ever been held. I think this is wrong. It is unreasonable, using a filibuster and forcing a judicial nominee to effectively gather 60 votes rather than 50 votes for confirmation. It sets a new and unreasonable precedent.

In the sense of fairness, I once again appeal to my colleagues on the other side of the aisle to give us that vote. Clearly, Senators have had adequate time to debate this nominee. I myself have come to this floor on five separate occasions to attempt to reach an agreement with the other side of the aisle for a time certain for a vote on the confirmation, and each time my Democratic colleagues object to giving him a simple up-or-down vote.

The two arguments I am hearing from the other side of the aisle are, one, they want unprecedented access to this confidential memoranda and, secondly, they need more information.

The first, to my mind, is a specious argument. It has been talked about again and again on the floor. It is almost a fig leaf because they know it cannot and should not be complied with.

I do want to address the second argument very briefly, not so much in substance but in terms of how we can bring this matter to a conclusion for the American people and for this nominee, so we can get to an up-or-down vote, and that is if they really feel there are specific questions that have not been answered, to reach out and figure some reasonable way to get the information to those questions. Again, outside of the rhetoric that flows back and forth and outside the heat of the argument, in the spirit of working together, I do want to suggest we work together on both sides of the aisle—and I would be happy to do it with the Democratic leader or his representative—toward putting together a reasonable list of questions that Members may wish to pose to Miguel Estrada. I would hope that once we agree upon the questions, submit them, and get the answers back, that process would allow us to come back to what I think we should be able to turn to immediately, but with the filibuster we are unable to, and that is to have a vote this week on the nomination.

I am really talking more process at this point, with an appeal to the other side for us to put together questions to submit and, once we receive those answers, be able to have a vote this week. Thus, I ask unanimous consent that the vote on the confirmation of the nomination of Miguel Estrada occur at 9:30 on Friday, February 28.

Before the Chair puts the question, I would add, and I want to stress, that I will work toward getting answers to any reasonable list of questions that could be worked out on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. I ask the majority leader to modify his proposal in the following manner: I ask unanimous consent that after the Justice Department complies with the request for documents we have sought, namely the memoranda from the Solicitor's Office which were first requested on May of 2001, the nominee then appear before the Judiciary Committee to answer the questions which he failed to answer in his confirmation hearing and additional questions that may arise from receiving any such documents.

Mr. FRIST. Mr. President, I will not modify my unanimous consent request as spelled out.

Mr. REID. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, as we have just heard from our distinguished majority leader, the Senate has had the nomination of Miguel Estrada since May 9, 2001. This man has been waiting for confirmation for almost 2 years. This is the most qualified person who has never gotten a vote in the Senate. In fact, the American Bar Association rated Miguel Estrada unanimously well qualified, the highest possible rating. Never before have Senators filibustered such a nominee.

Mr. Estrada would be the first Hispanic to serve on the Nation's second most important Federal court, adding diversity to our judicial system. Miguel Estrada's nomination is supported by a number of Hispanic organizations, including the Hispanic National Bar Association, the League of United Latin American Citizens, and the U.S. Hispanic Chamber of Commerce. The Austin American Statesman wrote last Friday: If Democrats have something substantive to block Miguel Estrada's confirmation to the U.S. Court of Appeals for the District of Columbia, it is past time they share it.

Miguel Estrada's nomination was announced in May of 2001 and has been held hostage since by the Senate Democrats who have yet to clearly articulate their objections to him.

Mr. Estrada is widely regarded as one of the Nation's top appellate lawyers, having argued 15 cases before the Supreme Court of the United States. He is currently a partner in a Washington, DC, law firm and practices law. He is truly an American success story.

Miguel Estrada emigrated to the United States from Honduras at the age of 17, speaking very little English. He graduated magna cum laude from Harvard Law School and served as a law clerk to U.S. Supreme Court Justice Anthony Kennedy. He has been in the judicial system. He is an esteemed academic. He has a stellar record. Yet Miguel Estrada cannot get a vote on the floor of the Senate. He has been a highly respected Federal prosecutor in New York City. He served as Assistant Solicitor General under President George H.W. Bush for 1 year and under President Clinton for 4 years.

His nomination has broad bipartisan support, including support from high-ranking Clinton administration officials such as former Solicitor General Seth Waxman and Ron Klain, the former counselor to Vice President Al Gore.

Mr. Estrada has worked throughout his career while he has been in the public sector and the private sector to uphold our Constitution and preserve justice.

That we cannot get a vote on this qualified man is incredible. I am afraid it could be the beginning of a precedent that, in my opinion, is unconstitutional.

Our Founding Fathers understood the need to have three separate and equal branches of government so there would be checks and balances throughout our system. They gave to the President the right to appoint a Federal judiciary, a Federal judiciary that has lifelong appointments. They gave to the Senate the right of confirmation—advise and consent as it is called in the Constitution—that has always meant a majority vote. If a two-thirds vote has ever been required by the Constitution, it is specified. So we are talking a simple majority, a simple majority to confirm the nominees of the President. That is the check and the balance in the system.

What we see today is an amendment to the Constitution, but it has not gone through the process required under the Constitution where an amendment would get a two-thirds vote of both Houses of Congress and then it would go to the States to be passed. That is the requirement to change the Constitution of this country.

However, today we are changing the Constitution because we are, in essence, requiring 60 votes to break a filibuster in order to confirm this judge, Miguel Estrada. Why have we set a bar of 60 votes for this man? What is the thought process of the Democrats who are filibustering this appointment that they would substitute a 60-vote requirement for the constitutional provision that has always meant 51 votes or a majority of those present, a simple majority? And yet we are setting a new bar, a 60-vote bar, without going to the people, without going through the process of a constitutional amendment. This is not right. This man has been pending for 21 months.

We are now in the Chamber. He has come out of committee. We are in the Chamber trying to get a vote of a simple majority to put the first Hispanic on the DC Court of Appeals, a Hispanic who graduated with honors, magna cum laude, from Harvard Law School, with years of experience as one of the most highly esteemed appellate lawyers in America, and we cannot get a vote on Miguel Estrada.

Let me read some of the editorials that have been written about this nomination. On February 18, 2003, the Washington Post wrote:

The Senate has recessed without voting on the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit. Because of a Democratic filibuster, it spent much of the week debating Mr. Estrada, and, at least for now, enough Democrats are holding together to prevent the full Senate from acting. The arguments against Mr. Estrada's confirmation range from the unpersuasive to the offensive. He lacks judicial experience, his critics say—though only three current members of the court had been judges before their nominations. He is too young—though he is about the same age as Judge Harry T. Edwards was when he was appointed and several years older than Kenneth W. Starr was when he was nominated. Mr. Estrada stonewalled the Judiciary Committee by refusing to answer questions—though his answers were similar in nature to those of previous nominees, including many nominated by Democratic presidents. The administration refused to turn over his Justice Department memos—though no reasonable Congress ought to be seeking such material, as a letter from all living former solicitors general attests. He is not a real Hispanic and, by the way, he was nominated only because he is Hispanic—two arguments as repugnant as they are incoherent. Underlying it all is the fact that Democrats don't want to put a conservative on the court.

Laurence H. Silberman, a senior judge on the court to which Mr. Estrada aspires to serve, recently observed that under the current standards being applied by the Senate, not one of his colleagues could predictably secure confirmation. He's right. To be sure, Republicans missed few opportunities to play politics with President Clinton's nominees. But the Estrada filibuster is a step beyond even those deplorable games. For Democrats demand, as a condition of a vote, answers to questions that no nominee should be forced to address—and that nominees have not previously been forced to address. If Mr. Estrada cannot get a vote, there will be no reason for Republicans to allow the next David S. Tatel—a distinguished liberal member of the court—to get one when a Democrat someday again picks judges. Yet the D.C. Circuit—and all courts, for that matter—would be all the poorer were it composed entirely of people whose views challenged nobody.

Nor is the problem just Mr. Estrada. John G. Roberts Jr., Mr. Bush's other nominee to the D.C. Circuit, has been waiting nearly two years for a Judiciary Committee vote. Nobody has raised a substantial argument against him. Indeed, Mr. Roberts is among the most highly regarded appellate lawyers in the city. Yet on Thursday, Democrats invoked a procedural rule to block a committee vote anyway—just for good measure. It's long past time to stop these games and vote.

Mr. President, the Washington Post has shown the fallacy of all the arguments that have been thrown out there against Mr. Estrada: Well, he did not answer questions; well, he is too young; well, he is not Hispanic enough.

Give me a break. This is ridiculous. This is a man who is one of the most highly qualified appellate lawyers in America, who has a stellar academic record, who has a stellar reputation in public life, who has strong bipartisan support, and who cannot get a vote in the Senate because he is being filibustered.

This just is not right. It is time we call this what it is. It is a filibuster. It is a change of the constitutional requirement for advice and consent from the Senate. It is a change of the Constitution without any procedure that is required to amend our Constitution. It is setting a new standard that Democrats and Republicans before have always agreed would never be done. When Democrats were in control, they did not filibuster nominees or they did not allow filibusters of nominees by Republicans, and Republicans are in control. And we are asking for the same courtesy, the same tradition, and, in fact, the same respect for the Constitution. The Constitution says advise and consent. When the Constitution requires more than a 51-vote margin or a simple majority, it so states. That is not the case in confirmation of judges, and it has not happened before on a partisan basis. There was one bipartisan filibuster. There has never been a partisan filibuster before.

There is no controversy about this nominee. There have been controversies before—controversies where you could legitimately see a difference in qualifications or in background issues or in experience issues. None of that applies to this nominee.

I think it is time the Democrats state if there are real objections. For instance, if there are more questions to be answered, have another hearing, or submit the questions in writing and let Miguel Estrada have a chance to answer these questions. Miguel Estrada has offered to go and visit with many Democrats who have not found the time to be able to see him. Yet we can't get a vote in the Senate on this distinguished nominee.

Let me read an article by Rick Martinez from the Raleigh News & Observer:

Once again, a minority is being denied a vote. Democrats in the U.S. Senate have threatened a filibuster to block the confirmation of Hispanic Miguel Estrada, nominated by President Bush to the federal Court of Appeals for the D.C. circuit.

If Estrada were applying to the University of Michigan law school, Democrats, it seems, would support giving him 20 points just for being Hispanic. Given the party's unqualified support of affirmative action, why shouldn't it ante up to 10 or 15 Senate votes for confirmation simply because of his ethnicity? Goodness knows that Hispanics, now the nation's largest ethnic group, are largely unrepresented in the federal judiciary.

Democrats counter that their opposition is based on Estrada's views and qualifications. If so, at what point along the ladder from law student to the federal bench is race no longer relevant?

For Democrats, it was when Estrada stepped on a rung they viewed as conservative. Once that ideological line was crossed, all the benefits of affirmative action—increased representation, diversity of social experience, providing an example for minority youth—no longer applied to the Honduran-born lawyer.

Mr. Martinez says:

The whole Estrada tiff is the latest warning to Hispanics that racial politics is about power, not equality. Hispanics have been given fair warning that those who wander off their pre-assigned ideological plantation will pay a heavy price. Ethnic hit man, Rep. Bob Menendez, a New Jersey Democrat, unleashed an ugly personal attack on Estrada by questioning his Hispanic heritage. To date not one Democratic leader has taken Menendez to task for his unwarranted remarks. That they came from a man with a Latin surname doesn't make them any more legitimate or any less offensive than if they came from Sen. Trent Lott.

Democrats, write this down. We Hispanics don't all look alike, we don't all think alike, and God has yet to appoint Menendez to pass judgment on our ethnicity. Ideology has never been an ethnic prerequisite, and it shouldn't be for one on the federal bench either.

There are approximately 50 editorials written throughout the country about the qualifications of this man. This one written by Rick Martinez in Raleigh, NC, basically says there is a different standard for Hispanics—that Hispanics are not a monolith and they shouldn't be judged as a monolith. In fact, Miguel Estrada is one of the most qualified people—not one of the most qualified Hispanics, one of the most qualified people who—have ever been nominated for an appellate court in our country. He has the experience. He has the background. He has the academic credentials. And he has a reputation that is sterling. Yet we can't get a vote on Miguel Estrada.

I hope those who are refusing to allow a vote on Miguel Estrada will listen to the League of United Latin American Citizens—LULAC—which has come out strongly for this qualified man and that does not really understand why there is a different standard being set for him than is being set for other appellate court nominees.

I urge my colleagues to listen to the Hispanic National Bar Association president, who represents 25,000 Hispanic American lawyers in the United States, endorsing Mr. Estrada, the National Association of Small Disadvantaged Businesses, which came out in

strong support of Mr. Estrada, and a bipartisan group of 14 former colleagues in the Office of the Solicitor General at the U.S. Department of Justice who have come out foursquare for Miguel Estrada.

There is no legitimate reason being stated not to give Miguel Estrada a vote. To say that he didn't answer questions, if legitimate—if they would ask him questions and let him answer them, but they haven't. Saying he is too young is ridiculous; saying he is not Hispanic when he came to our country from Honduras at the age of 17 speaking little English—and he wanted a part of the American dream. But he didn't want it given to him; he wanted to earn it.

He worked his way into Columbia University and was a Phi Beta Kappa. He worked his way into Harvard Law School and graduated magna cum laude. He worked to get a partnership with a major law firm after being a Supreme Court Justice clerk which is reserved for only the best graduates of law schools in our country.

This man deserves a vote. He deserves the respect of the Constitution, and he is not getting it as we speak today. The Constitution says advise and consent. The Constitution says a majority—not 60 votes out of 100 but a simple majority. It is what has always been required for the President's nominees. That is the check and balance in our system.

I hope the Senate will do the right thing. If there are legitimate questions, raise them. Let Mr. Estrada answer them. But this man deserves a vote, and the Constitution deserves respect and adherence by this body.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask for permission to speak on behalf of Miguel Estrada.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CHAMBLISS. Mr. President, I am still new to this body having been here less than 2 months at this point in my career in the Senate. After spending 8 years in the House of Representatives, I am still feeling my way through with respect to finding the microphone, and things like that.

I am somewhat at a loss when it comes to the process through which we are now going. It is totally unlike any type of process that I experienced in the House of Representatives because we don't confirm judges anywhere except in the Senate. I spent 26 years as a lawyer before being elected to the House of Representatives. In my 26 years as a lawyer, I tried hundreds of cases, and on appeals dozens and dozens of cases, and I had a number of opportunities to appear before both trial judges and appellate judges, on a variety of different issues.

At any one moment before an appellate court, you can pretty well look at a judge and tell whether or not that judge has done his homework on your issue. You have a sense of whether or not he has the intellect to interpret the issue and be very responsive to your argument. And if you ever find a judge who is not responsive, you can check his background, and you may find out that maybe he did not have the intellect to follow the course of your argument.

So when I look at the background of Miguel Estrada and try to decide whether or not, were I to appear as a lawyer before him, he would be the type of individual to whom I could make an argument and have him interpret that argument, even though it is on a very complex issue, I believe he would be. I have to tell you, his is one of the most unusual profiles I have ever seen of any member of the bar, much less any potential member of the bench.

It is unusual not just because his is a true American dream story. It is unusual because this man, as a practicing lawyer in public service and in the private sector, has distinguished himself above all other lawyers with whom he has ever been associated.

He is a man who has distinguished himself by coming to the United States, not speaking much, if any, English, and not only attending major universities, but graduating from those universities with high honors: from Columbia University with an undergraduate degree, and Harvard Law School with a law degree.

At Harvard Law School he was a member of the editorial board of the Law Review. And those of us who went to law school know there are only a few Law Review editorial board members. I can still remember in my law school class those who were members of the law review. Out of my class, of the 200 who started in law school, there were—I think about five of them—who were members of the Law Review. So it is a very distinct intellectual group of students who make the Law Review. And the editors of the Law Review are the elite of those very few who are designated with law review status.

The intellectual background of this man is unquestioned. He does have the capability of interpreting and deciphering any complex issue that might be presented to him as a member of the appellate court bench.

So when I think about, again, appearing before a man with his type of background, to argue a complex case, I think it would be wonderful to know you have somebody with the qualifications and the capability of Miguel Estrada to really listen to your argument and make the kind of decision every lawyer wants to have made on his or her particular case.

One thing that confuses me about Miguel Estrada's nomination is, I was told while I was in law school that I should join the American Bar Association as a student. And I did. I was a very active member of the American Bar Association in my small, rural community in Georgia for all of the 26 years I practiced law.

The American Bar Association is a very well respected, very highly recognized peer group within our profession. The American Bar Association was asked to review Mr. Estrada, as they review every other judicial nominee, and to make a recommendation to this body as to whether or not he is qualified to be confirmed by this body to the District of Columbia Circuit Court. They came back and said: Not only is he qualified, not only does he possess the academic and intellectual and legal background to serve on the Circuit Court for the District of Columbia, but he is well qualified. We are giving him the highest recommendation that lawyers can give to a lawyer who seeks confirmation to any court.

As a member of the Judiciary Committee, I have already seen that we have some judges who come through the committee who do not receive the highest recommendation from the American Bar Association, but nevertheless get confirmed by this body. And they should, because everybody is not going to get that highest qualification recommendation from the American Bar Association.

But Mr. Estrada got the highest qualification from his peers—those men and women who practice law with him, who talked to other lawyers who practiced law with him, who know how he functions day in and day out in the practice of law, who know his temperament and his capabilities as well as his ability to serve in the capacity of an appellate court judge. And for that body to come forward and say, we are going to give him the highest recommendation possible is just another one of the assets he brings to this body from the standpoint of confirming his nomination.

I was not here when Mr. Estrada had his hearing before the Judiciary Committee. That took place in September of last year when the committee was controlled by the Democrats. At that point in time, from what I read in the record, Mr. Estrada appeared before the Judiciary Committee for a full day's hearing. Every member of the Judiciary Committee had the opportunity to ask Mr. Estrada any question they wanted to. And they did.

There has been some question about whether or not he was totally forthcoming in his answers, whether he gave complete responses to the questions that were asked of him. Well, in addition to having the opportunity to ask Mr. Estrada questions at the time of his hearing, whether Mr. LEAHY was chairman or now with Mr. HATCH as chairman, the members of the Judiciary Committee always have the opportunity to submit written questions in addition to those questions that are asked at the hearing.

If a Judiciary Committee member is not satisfied with answers to questions he or she asked, he or she simply has the right to come back and say, I want

you to go into further detail with respect to this particular issue, to tell me whatever it is I want to have answered. Only two members of the Judiciary Committee came forward and said: We have additional questions we want to ask. Those two were both Democrats. They had the right to do it. They did it. And I respect them for coming back with additional questions when they felt they did not get totally complete answers. The fact of the matter is, though, those questions were answered immediately by Mr. Estrada.

So for somebody to come forward now on the other side of the aisle and say, we do not think he fully answered our questions, where were they? Where were they at the time of the hearing? Why didn't they come forward after the hearing if they were not satisfied at the hearing and submit additional written questions?

To come to this body now and to say Mr. Estrada was not totally forthcoming at the time of the hearing just shows this particular nomination has dipped itself into the depths of political partisanship. And it is not right.

I am biased. I am a lawyer. I think I am a member of the greatest profession that exists in the United States of America. I think we have a great judicial system because even though a lot of people throw rocks at our system—and I myself even have criticized it from time to time—we have the best system in the world. We have the best system in the world because it works. And people of all walks and backgrounds have the opportunity to have their cases heard by a judge, whether it is Mr. Estrada or a magistrate court judge in Colquitt County, GA. People have the right to have their cases heard.

And now, for somebody to come forward and say, I asked this guy a question, and he did not really answer my question, therefore, I am going to vote against him, I think just throws another rock at our judicial system that should not be thrown.

Referring, again, to Mr. Estrada's qualifications being called into question, this is an issue that has been batted back and forth between political parties. I have listened to an extensive amount of the debate over the past 2 or 3 weeks, both as Presiding Officer as well as on and off the floor. I have listened to my colleagues on the other side of the aisle raise issues relative to Mr. Estrada. In talking about qualifications of anybody to go to the bench, particularly the circuit court versus the district court, you can look at an individual lawyer and say, this man or this woman has appeared before the highest court in the land, the Supreme Court, not once, not twice, not 3 times, but 15 times to argue cases, and he has distinguished himself very well in those 15 arguments. As we all know, sometimes you are on the winning side and sometimes you are on the losing side, but 10 out of the 15 times that Mr. Estrada has been to the U.S. Supreme Court, irrespective of whether he was on the appellate side, which is the losing side going in, or whether he was on the appellee's side, the winning side going in, he has prevailed at the end of the day. So for a guy to argue 15 times before the U.S. Supreme Court and to win 10 of them is a very distinguishable record.

The fact that he even argued cases before the Supreme Court very honestly puts him in a category of lawyers that is the most highly respected group of lawyers that exists in the United States today. There are just not many folks who have the opportunity to argue a case before the Supreme Court. Here we have a man who has argued 15 cases before them.

Another argument I have heard time and time again is that we should be able to see the memos that he submitted to his boss while he was assistant to the Solicitor General. Some believe we should be able to see what was in his mind from a legal perspective, and use those memos to try to determine whether or not he has the judicial qualifications and temperament to serve as a member of the DC Circuit Court of Appeals.

Let me tell you what that is like. As a practicing lawyer, if I have somebody come into my office and I interview them and take notes and I then take their case and go into my law library and do extensive research on the issue for my client to make sure that I am well prepared from a legal precedent standpoint and I then write a memorandum, which I have put in my file to make sure that at the appropriate time—when the case either comes to a hearing or I have an argument with opposing counsel—that memorandum is personal and privileged to me and my client.

What the Democrats have asked for is, to view the collateral memos that were prepared by Mr. Estrada for his boss, the Solicitor General, while he was working in the Clinton administration and while he was working in the Bush 41 administration. That is wrong. They should not ask for it in the first place, but the Justice Department is absolutely right in refusing to produce them. They should not produce those memos because those memos are personal. They are private. They are privileged.

Every lawyer in the country ought to be outraged that the Justice Department is even being asked for those memoranda to be presented to this body for review when they were prepared in a private setting, in a setting in which there was a lawyer-client relationship in existence. Those types of memos have never been allowed to be offered into court for proof of any issue, and they should not be required to be presented here in this body.

Speaking of politics being involved here, again, as a new Member of this body and a new member of the Judiciary Committee, I am having a little trouble understanding the politics of this issue. I could understand it if Mr. Estrada has been a lifelong Republican, had the tattoo of an elephant on him and was a known advocate or radical that held forth extreme positions. I could understand the politics involved in seeking to block this man by the folks on the other side of the aisle.

But that is not the case. Here we have a man who came to the United States speaking little or no English, a man who went to two of the finest schools in America not known for their conservative-leaning students or faculty, Columbia University and Harvard. I don't know where they lean, but they are certainly not conservative-leaning universities.

That is his background. He comes from an administration that was not a conservative-leaning administration, the Clinton administration. He worked for 4 years in that administration. He worked for the Solicitor General in the first Bush administration for a year and then the Clinton administration for 4 years. There is nothing to indicate that this man would have an off-the-wall conservative-leaning philosophy.

I do not understand the politics of somebody coming up and saying: Well, we think he may be too conservative or he may be radical.

Those kinds of statements were made within the Judiciary Committee, and there is simply no basis for them.

The fact is, every Solicitor General who lives today who has worked for any administration, whether it is Republican or Democratic, has come forward and signed a letter saying, No. 1, the privileged memoranda sought to be produced from the Justice Department should not be produced because they will compromise future administrations. They never should be produced. And No. 2, they recommend Mr. Estrada for confirmation by this body.

When somebody in that position makes a statement, it takes it totally out of the realm of politics and puts it in the realm of professionalism, which is where it ought to be. We ought to have good, quality, competent men and women going to the bench.

As a Member of the House of Representatives during the Clinton administration, I had a good friend who was nominated to the District Court for the Northern District of Georgia. She is a good lawyer. She was a really outstanding U.S. attorney. She is not a Republican, but I thought she ought to be put on the district court. She was, in fact, appointed, and she was confirmed by this body because she was a good lawyer. She was the type of person who ought to be on the bench.

The same thing holds true for Mr. Estrada. All you have to do is look at his record. It is pretty easy to tell that he is a good lawyer. When you talk to other lawyers about him, I promise you, in the legal profession, you know very quickly whether or not somebody is well respected and well thought of.

Mr. Estrada has the respect of his colleagues. We have searched high and

low. If anybody has anything negative to say about Mr. Estrada, it has come forward. Only one coworker who he worked with over the years has had anything negative to say about Mr. Estrada.

Do you know what is unusual about that? That same individual, who was his supervisor in the Office of Solicitor General during the Clinton years, gave him a rating on two different years. That review rating that was given to Mr. Estrada was ''outstanding'' by this particular individual who is now the only member of the Solicitor General's Office, or any other place where Mr. Estrada was employed, who has had anything whatsoever, to say in a negative capacity regarding Mr. Estrada.

So whether it is people he worked for, whether you look at his qualifications from an educational standpoint, vis-a-vis an intellectual standpoint, whether it is the Hispanic community that you look to for a recommendation on Mr. Estrada—everywhere you look, he gets nothing but the highest marks, the absolute highest marks.

One other area in which I think Mr. Estrada has really excelled is with respect to what we in the legal community refer to as pro bono work. Pro bono work is done different ways in different parts of the world. In my part of Georgia, a practicing lawyer does pro bono work when he or she takes appointed criminal cases usually. Occasionally, you will represent an individual in a civil matter and you don't get paid for it. That is what we talk about as a pro bono type case. Mr. Estrada has been very active in the world of pro bono service. In fact, he handled one case that was a death row inmate case, which is not the normal type of case that a lawyer of Mr. Estrada's background would handle. But he took the case and, obviously, he did the work necessary to fully, totally, and very professionally represent his client, because he spent almost 400 hours in research and preparation for representing this individual—a death row inmate's case.

For a man to spend 400 hours—I don't know what his billable rate is, but even at my billable rate in rural Georgia, that would have been an awful lot of money that Mr. Estrada sacrificed for the sake of making sure this death row inmate had more than adequate representation. In fact, with Mr. Estrada, the death row inmate was represented by an outstanding lawyer who had the capability—and I am absolutely certain he did—to do everything necessary to fully and totally represent his client.

Now, one final criticism of Mr. Estrada is that he has no judicial experience. Well, I don't buy this argument. In fact, I think, if anything, it may be to his advantage. Having judicial experience sometimes, I think, could be even a negative factor, although in a case where you had somebody as qualified as Mr. Estrada, it would not make any difference one way or the other. But you have an individual here who has legal experience. That is what is important. He has legal experience in being able to work on complex cases, and most of the time, cases that come before the circuit court are complex cases. Mr. Estrada has the ability to deal with those complex cases because he has handled them for years and years as a practicing attorney in the public and private sectors. He has the type of background that lends itself to being able to deal with those complex cases and make a rational, reasonable interpretation of the Constitution, which every judge is expected to do and which is exactly what Mr. Estrada said he would do at his hearing in September before the Judiciary Committee.

I close by saying there have been 57 newspaper editorials I have seen relative to the nomination of Mr. Estrada and the treatment of his nomination on the floor of the Senate. Of the 57 editorials that have appeared in newspapers all across America, 50 have been favorable toward Mr. Estrada. One of those editorials appeared in a newspaper in my home State, in Atlanta, GA. The Atlanta Journal-Constitution wrote an editorial—about 3 weeks ago now—that was complimentary to Mr. Estrada and critical of the Senate for not moving on his nomination.

Let me tell you, when it comes to politics, the Atlanta Journal-Constitution is not on one side most of the time; they are on one side all of the time. I have never received, in my political career, the endorsement of the Atlanta Journal-Constitution, except for the one time when I did not have an opponent and I guess they had to endorse me. To say that they are in any way leaning toward the conservative side on any issue would be outlandish. But even the Atlanta Journal-Constitution came out and said this is wrong.

This man is a good and decent man. He has the intellect and background to serve on the Circuit Court for the District of Columbia Court of Appeals, and he should be confirmed. That line has been repeated by newspapers in America day in and day out for the last several months.

The Augusta newspaper, also in my State, wrote a glowing editorial also recommending that this body confirm the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia.

I think, without question, that the right arguments have been made in support of Mr. Estrada. Just in winding down—I see my friend from Nevada here, and I don't know whether he wants time or not—I want to say that, from the standpoint of support from the Hispanic community, there has been overwhelming support from every aspect of the Hispanic community. When you look at the League of United Latin American Citizens—that is what we call LULAC—which is the Nation's oldest and largest Hispanic civil rights organization, the president of that organization, Mr. Rick Dovalina, wrote a letter, and this is what he said about Mr. Estrada:

> On behalf of the League of United Latin American Citizens, the nation's oldest and largest Hispanic civil rights organization, I write to express our strong support for the confirmation of Mr. Miguel A. Estrada. . . . Few Hispanic attorneys have as strong educational credentials as Mr. Estrada who graduated magna cum laude and Phi Beta Kappa from Columbia and magna cum laude from Harvard Law School, where he was editor of the Harvard Law Review. He also served as a law clerk to the Honorable Anthony M. Kennedy in the U.S. Supreme Court, making him one of a handful of Hispanic attorneys to have had this opportunity. He is truly one of the rising stars in the Hispanic community and a role model for our youth.

The Hispanic National Bar Association president, Rafael A. Santiago, stated as follows:

> The Hispanic National Bar Association, national voice of over 25,000 Hispanic lawyers in the United States, issues its endorsement. . . . Mr. Estrada's confirmation will break new ground for Hispanics in the judiciary. The time has come to move on Mr. Estrada's nomination. I urge the Senate Committee on the Judiciary to schedule a hearing on Mr. Estrada's nomination and the U.S. Senate to bring this highly qualified nominee to a vote, said Rafael A. Santiago, of Hartford, Connecticut, National President of the Hispanic National Bar Association.

So this man has the qualifications. He has the educational background. He has the legal background. He has the intellect. He has the support of Democrats. He has the support of Republicans. He has the support of liberals. He has the support of conservatives. He has the support of the Hispanic community. The only support he is lacking to bring this nomination to a vote on the floor of the Senate is the support from our colleagues on the other side of the aisle.

Not allowing this nomination to come to the floor for a vote is not fair, it is not judicially just. It is not just in any way from an ethical, moral, or judicial standpoint.

Mr. Estrada's nomination has been debated back and forth now for, gosh, going on 3 weeks. I guess 3 weeks starting tomorrow—a total of 4 weeks. We were here 2 weeks, we were out 1 week, and now we are back. So I guess it is a total of 4 weeks. We have a lot of business that needs to be brought before this body. We have a jobs growth package that needs to be debated and passed that the President has put forth. We have the impending conflict with Iraq and the continuing war on terrorism that needs to be dealt with on the floor of this body. We need to move to other business.

We need the folks on the other side of the aisle to come forward and say: OK, we will give you a vote. We do not think he is qualified, but we are willing to give Mr. Estrada a vote. That is the right thing to do, that is the just thing to do, and that is the judicial thing to do. If they want to vote against him, vote against him, but if we want to vote for him, we ought to have the opportunity to vote for him. We ought

not require 60 votes. We ought to require 51 votes, as I think our Constitution requires, and we ought to bring the name of Miguel Estrada to the floor of the Senate and have a vote.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. REID. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. Yes, I will be glad to yield.

Mr. REID. Mr. President, the distinguished Senator from Georgia just stated that there is a lot of business this Senate has to do and that we should get off the Estrada nomination and get on to these other matters. The Senator from Massachusetts, I am sure, agrees with my friend from Georgia that we have a lot of business to do.

I know from having worked with the Senator from Massachusetts over the years—and I ask the Senator if he will acknowledge this—there is business we need to do that we have been prevented from doing. For example, something we have not heard a word about is the minimum wage. People in Nevada are desperate. We have a service industry. Sixty percent of the people in Nevada who receive the minimum wage are women; for 40 percent of those women, that is the only money they get for the families. That would be a good issue to take up—minimum wage—doesn't the Senator from Massachusetts agree?

Mr. KENNEDY. The Senator is entirely correct. I was listening to my new friend from Georgia talking about the business that needs to be done. As the Senator remembers very well, our leader, Senator DASCHLE, tried to bring before the Senate an economic stimulus program that would have provided assistance to working middle-income families. It would have provided assistance to small business. It would have provided funding for education and the programs for which the Governors, Republicans and Democrats alike, indicated support. It would have provided additional assistance to the States to meet their Medicaid challenges. I hope to get to that in a moment. And it would have permitted funding in transportation. This would have made an important difference in trying to restore our economy.

The Senator, as part of the leadership, is familiar with the fact that Senator DASCHLE was prepared to bring that up and start that debate, but there was objection from the other side.

The Senator brings up the issue of minimum wage, and he knows how strongly I feel about an increase in the minimum wage which Republicans have denied us the opportunity to have. As the Senator has pointed out, more than 60 percent of those who are minimum wage recipients are women. So this is a women's issue. Of the women who receive the minimum wage, a majority of them have children, so it is a children's issue. It is a women's issue and it is a children's issue. Since a great number of those who receive minimum wage are men and women of color, it is a civil rights issue. It is a women's issue, a children's issue, a civil rights issue, and, most of all, it is a fairness issue because most Americans think that if someone works 40 hours a week, 52 weeks of the year, they should not live in poverty.

The great majority of Americans feel that way. We want to put that before the Senate and Republicans refuse to let us have a vote on that issue. We have been battling that issue not just for 10 days, not just for 2 weeks, but we have been battling that issue for the last 5 years.

I agree with the Senator when he says we have been trying to get matters before the Senate. We could bring up minimum wage. I am quite prepared as the principal sponsor—it is not a complicated issue. We have debated that issue time in and time out, year in and year out. It is not a complicated issue. We ought to be able to have debate and an up-or-down vote on that issue.

I think of all these statements of let the majority have a ruling on this nomination. Does the Senator remember as I do when we voted on a prescription drug program and a majority in the Senate was for the proposal of Senator GRAHAM of Florida and Senator MILLER, of which I was proud to be a cosponsor? That would have provided a comprehensive prescription drug program for all who needed it in the United States. We had 52 Members, a clear majority, for a prescription drug program, the third leg of the Medicare stool on which our seniors rely: hospitalization, physician care, prescription drugs. We had the 52 votes, and do you think we were permitted to have a vote in the Senate? No, our Republicans objected to that. How short is their memory.

Mr. REID. Will the Senator yield for another question?

Mr. KENNEDY. I will be glad to yield.

Mr. REID. The Senator is aware that this extended debate deals with the job of one person, a man by the name of Miguel Estrada. It is not as if he is not working. Does the Senator agree he is partner in one of the most prestigious law firms in America and pulling down hundreds of thousands of dollars a year? I say to my friend from Massachusetts, should not the Senate be more concerned about the millions of people who are underemployed, the millions of people who are unemployed, the people who are lacking health care—44 million people with no health care—and many people who are underinsured? Should not the Senate be dealing with those people rather than one person who is employed making hundreds of thousands of dollars a year?

Mr. KENNEDY. Mr. President, I say to the Senator from Nevada, I think he makes the case. It is such a compelling, overwhelming, rational case he makes about what is happening across this country. I know it is true, when the Senator from Nevada speaks about those who are unemployed, those who are underemployed, he is speaking for the people of Massachusetts. That statement the Senator just made is of central concern to the families in my State who are seeing now the highest unemployment in some 10 years, and the prospects are difficult, as people look down the road.

It was not always this way. We have seen it was not. I ask my colleague and friend, so many on the other side throw up their hands and say: It is the economic cycles. Is it not true that the longest periods of economic growth and price stability have been under Democratic Presidents? We had it over the last 8 years under President Clinton. That was not an accident. The time before that was in the early 1960s under President Kennedy. The longest periods of economic growth, price stability, and full employment were under Democrats. That is the record. That is the history.

We want to get back to a sound economic policy. A sound economic policy means creating jobs and having price stability, and the Senator understands this very clearly. Our minority leader, Senator DASCHLE does, and that is what we hope to resume with an effective economic program that can make a difference to families across this country.

The Senator from Nevada being a leader in this body, I am interested in whether the Senator agrees with me that the people in his State, as well as mine—I know I speak for all of New England on this. People are concerned, deeply concerned, about their economic future and they are concerned, obviously, about their security, the dangers which all of us are familiar with in terms of terrorist activities. In my State, they are concerned about their sons and daughters, especially if they are in the Reserve or the National Guard. We now have the highest calling up of the Reserves and the Guard since World War II. Communities are particularly concerned because more often than not, people who are being called up are those who have also been trained as auxiliary firefighters, police officers, or first responders in the medical professions.

What I hear the Senator from Nevada saying is we should try to respond to these kinds of anxieties. The leaders have provided a program which has galvanized many of our Members—all of the Members on our side—and his point is that as leaders in our party we should be focused on that program.

I was listening to my friend from Georgia talking about the attitude of some Hispanic leaders. I have a letter from 15 past presidents of the Hispanic National Bar: We, the undersigned past presidents, write in strong opposition to the nomination of Miguel Estrada for a judge on the Circuit Court of Appeals for the District of Columbia. I

will later come back to the statement they made.

Despite the pressure from our Senate Republicans and the White House to abandon our principles and our obligations, the Senate Democrats intend to abide by our constitutional duty to provide advice and consent in the judicial confirmation process. The White House, however, continues to refuse to give us the information necessary for our consideration of the nomination of Miguel Estrada. The White House is asking the Senate to rubberstamp its judicial nominees when those nominees will have enormous power over the lives of the people we serve. If we confirm nominees to a lifetime appointment to the Federal bench without looking into their record, we would open the door for the White House to roll back civil rights, workers' rights, and important environmental protections, along with many other Federal rights we have worked so hard to develop.

The danger involving the DC Circuit is even greater, because that court has exclusive jurisdiction over so many issues that affect all Americans. Since the Supreme Court hears relatively few cases in these areas, the DC Circuit is often the court of last resort for individuals to obtain the justice they deserve. If Mr. Estrada is confirmed, he will be called upon to decide many of these cases. Often, individuals have been victimized unfairly and in a manner not envisioned by the Constitution. They have come to the Federal courts for protection and relief. In doing so, they have changed America. They have made this country a stronger, better, and fairer land. They helped America fulfill its promise of equal opportunity, equal rights, and equal justice under the law. They have given real meaning in people's lives to the great principles of the Constitution and the many laws Congress has enacted over the years to protect these basic rights.

When we consider the nomination of Mr. Estrada, we need to understand the crucial importance of these cases and how the rights of so many others can be decided by a single case. These cases would not necessarily have turned out the way they did if we did not have Federal judges who are acutely aware of the rights and the needs of the most vulnerable Americans, and how their rulings affect so many people's lives.

Would Mr. Estrada be such a judge? Would he have this strong sense of justice of the needs of people he would serve? We do not know because we have been prevented from learning about this nominee, and the White House is trying to keep it that way.

Our response is clear. We will not confirm Mr. Estrada unless we know what kind of jurist he would be. Our constitutional responsibility requires no less.

Let me describe a few of the landmark cases the judges of the DC Circuit have decided. In Barnes v. Costle in 1977, the DC Circuit was faced with a situation that was and still is far too common in the American workplace. Paulette Barnes had been hired by the Environmental Protection Agency, but she quickly discovered she would not be able to do her work effectively. Her male supervisor repeatedly asked her to join him after work for social activities. She politely declined. He then made repeated sexual remarks and propositions to her. She refused. But her supervisor would not be deterred. He kept harassing her and even tried to convince her his behavior was common. Ms. Barnes could not escape these overtures and the unfair pressure she faced, because her job required her to work with her boss.

After she repeatedly refused to have an affair, he started to retaliate against her. He belittled her work. He took away many of her responsibilities. He harassed her continuously. Finally, he had her fired because she refused to go along with his demands.

Ms. Barnes sued her employer under title VII of the Civil Rights Act of 1964. Congress passed this important legislation in order to end workplace discrimination and open the doors to equal employment for all Americans, but the EPA did not see it this way. Its lawyers argued when Congress enacted title VII, we did not intend sexual harassment to be included in the ban on sexual discrimination.

What Ms. Barnes faced was not discrimination, they said. She was not fired because she was a woman but because she refused to engage in sexual activities with her supervisor. Fortunately, the judges of the DC Circuit understood the importance of the case. They took time to look into the record. They found our intent in passing title VII was to give women and minorities equal rights in the workplace so everyone would have a truly equal opportunity to succeed.

The judges agreed that so long as harassment of this kind was allowed to continue, women could not have equal rights in the workplace. They ruled that allowing female workers to suffer harassment to keep their jobs is a type of discrimination that has long relegated women to lower-level jobs and made it more difficult for them to have equal rights in the workplace.

The DC Circuit held that harassment of the type suffered by Ms. Barnes was illegal sex discrimination. If not for the judges of the DC Circuit, her case could have turned out very differently. Thus, the importance of the DC Circuit.

In 2003, the outcome of Ms. Barnes' case would almost certainly be a foregone conclusion. We know today the kind of behavior she faced is unacceptable, but in Ms. Barnes' case the trial judge dismissed her suit because he thought such harassment was not prohibited by title VII. That behavior was not unacceptable until the DC Circuit said it was unacceptable.

Would Mr. Estrada be the type of judge to give the meaning we intended to our legislation? Would he protect the rights of women and minorities? Would he take the time to consider how his rulings will affect them? We do not know, because the White House does not want us to know.

In a second case in 1981, Bundy v. Jackson, the DC Circuit considered the plight of another woman who had suffered severe harassment at work. Sandra Bundy proved at trial that while she was employed by the District of Columbia, she was repeatedly propositioned by some of her supervisors and they made crude and offensive remarks to her. She complained to another supervisor, but he replied it was natural for the other men in the office to harass. He then began the same type of abuse and propositioned her several times. A coworker obtained her home phone number, which she had unlisted, and started calling to proposition her. The facts in this case were so extreme and Ms. Bundy's situation was so oppressive that the district judge in the case actually made a formal finding that making of improper sexual advances to female employees was standard operating procedure, a fact of life, a normal condition of employment in her job. Miss Bundy began to complain more forcefully and her performance ratings began to suffer. She was denied a promotion and continued to endure anguish on the job.

When she took her case to court, the company admitted the harassment and argued it was legal. Can you believe that? The company admitted the harassment and argued it was legal. The company contended because Miss Bundy had not been fired or demoted, she could not claim a violation of title VII. The DC Circuit rejected this argument, as it obviously should have. The court held that the terms and conditions of employment include the psychological work environment. The court agreed that an employer can oppress an employee with such offensive and damaging remarks that the oppression rises to the level of discrimination, even if the employer does not demote or fire the employee.

As in Barnes, the court in Bundy showed thoughtful and careful consideration of what Congress intended to do for the American workplace when it passed title VII.

The court also considered the precarious situation in which Miss Bundy found herself and in which too many women often find themselves today. The court held unless Miss Bundy's rights were protected, many other workplaces could oppress and harass women in similar ways without any fear of legal repercussions. The DC Circuit held that title VII protects all Americans from harassment at work, whether or not harassment includes a formal change in job description.

We cannot dismiss these examples merely as evidence that America has changed since the 1970s and early 1980s. It was the courts such as the DC Circuit and opinions such as Barnes and

Bundy that made America change. The conclusion of these cases was not foregone. In both cases, the district judge had dismissed the claim, saying that what the women had alleged was not a violation of title VII. It took the judges on the DC Circuit, with genuine respect for the rule of law, to give effect to what Congress intended when it passed title VII. The DC Circuit did more than uphold the law. It gave practical effect to the right of women to be free from sexual harassment in the workplace.

We can now look back at the employers' arguments and in those cases say that they are preposterous. The sad truth, however, is that those arguments did not become preposterous until the DC Circuit said they were.

A third case to demonstrate the importance of this court is in Farmworker Justice Fund v. Brock. In 1987, the DC Circuit reviewed evidence developed over the course of many years that farm workers were being deprived of basic sanitation. The Department of Labor mandated the availability of drinking water, hand-washing facilities, and bathroom facilities in many other workplaces, but the Department said protections were not necessary for farm workers. The result was that many farm workers worked long hours in the heat and Sun without adequate drinking water. They worked under unacceptable hygiene conditions, without bathroom facilities, and with no place to wash their hands. Infectious diseases often spread quickly among farm workers.

Congress addressed this problem years before. The Occupational Safety and Health Act mandated that the Department issue rules on workplace conditions for farm workers but the Department disagreed. It thought that improving the working conditions of these laborers was a low priority, and for years the Department refused to say when it would even consider a rule to protect these workers. The Department also argued that although there was clear evidence of unacceptable risk to the health of farm workers, it would not promulgate a rule to end these conditions because the States were better able to do so. The DC Circuit correctly rejected that argument and brought safe and sanitary working conditions for farm workers across the country. The court held that the intent of Congress in passing OSHA was to limit the Department's discretion. The court ordered the Department to pass these regulations within a specific timeframe. The court said that workplace safety was precisely a matter for the U.S. Department of Labor to address to ensure safe conditions across the country. In deciding this case, the DC Circuit gave farm workers the protections they needed and ensured that a generation of workers would grow up healthier and safer.

A fourth excellent example of the importance of the DC Circuit is Laffey v. Northwest Airlines. In that case, decided in 1976, the DC Circuit considered the disparate pay that Northwest Airlines offered its male and female employees. Even before that case, it was clear that under the Equal Pay Act companies could not pay men and women different salaries for doing the same job. The airline thought it could avoid this requirement for its in-flight cabin attendants by creating two separate job categories for men and women. The two categories had essentially the same duties but different names and very different pay and promotion opportunities.

Both men and women would seat passengers and ensure their safety during the flight and both would deal with any medical problems that arose during the flight. They would both serve food and clean up the cabin. But the airline would only hire women to be stewardesses, a classification that meant being confined to domestic flights, while male persons were assigned to international flights. Even on domestic flights, stewardesses had to work in the more crowded sections of the plane while men worked in first class. In fact, if there was any real difference between the two jobs, it was that the women had the more difficult assignment. Yet the men received up to 55 percent more for doing essentially the same job.

The DC Circuit refused to allow the airline to design the jobs in a way that relegated women to low-paying positions with little chance of promotion. The court understood that when we passed the Equal Pay Act, Congress was not concerned with arbitrary technicalities. We were concerned with protecting the lives and livelihood of real people.

The DC Circuit gave effect to this intent. It held that where two individuals have jobs that are essentially identical because they have the same duties and responsibilities, an employer cannot discriminate against one of them by paying them less.

A fifth example of this indispensable role of the court is the Calvert Cliffs Coordinating Committee in which the DC Circuit in 1971 considered the National Environmental Protection Act which requires Federal agencies to balance their activities with their impact on the environment. In passing the act, Congress asks large agencies for the first time to consider ways to protect the environment.

In a challenge to this requirement, the Atomic Energy Commission was sued to stop activities that were adversely affecting the environment. The Commission said that it had taken environmental concerns into account and thought that these concerns were outweighed by the need for nuclear testing. The DC Circuit held that under the act, the Commission, as all other Federal agencies, must take environmental concerns seriously, must justify the burden that its activities would place on the environment.

Our duty, the court said, is to see that important legislative purposes prevailing in the Halls of Congress are not lost or misdirected in the vast hallways of the Federal bureaucracy. There is no better description of the unique demands on the DC Circuit. It has sole jurisdiction over many basic issues affecting the people of our country. The Senate needs to know that the judges of that court understand the enormous challenge of ensuring that the important policies we seek to achieve are actually implemented under the laws we pass.

In each of these examples, the DC Circuit has dealt with situations where real people face real problems in obtaining the justice they deserve. The court responded, as the Constitution says that it should, free from the pressures of politics. The DC Circuit respected the rule of law and applied it fairly.

Would Mr. Estrada continue this tradition? Or would he look for opportunities to limit or even roll back basic rights? We do not know because the White House insists on keeping the Senate and the country in the dark about this nomination. The fundamental rights of the American people are too important to be entrusted to a person about whom we know so little. Until we learn what kind of jurist Mr. Estrada can be, the Senate should not confirm him.

MEDICARE AND MEDICAID

Mr. President, a front page article in yesterday's New York Times should be essential reading for every Member of the Senate and for every American. It describes the Bush administration's stealth attack on Medicare and Medicaid—an attack driven by an extreme right-wing agenda and by powerful special interests.

The administration is proposing unacceptable changes in the obligations of government to its citizens. Under the Bush plan, the Nation's long-standing commitment to guarantee affordable health care to senior citizens, the poor, and the disabled would be broken. Medicare is a promise to the Nation's senior citizens, but for the administration, it is just another profit center for HMOs and other private insurance plans. Medicaid is a health care safety net for poor children and their parents, the disabled, and low income elderly, but the administration would shred that safety net to pay for tax cuts for the rich and to push its right-wing agenda.

The promise of Medicare could not be clearer. It says, play by the rules, contribute to the system during your working years, and you will be guaranteed affordable health care during your retirement years. For almost half a century, Medicare has delivered on that promise. All of us want to improve Medicare, but the administration's version of improving Medicare is to force senior citizens to give up their doctors and join HMOs. That is unacceptable to senior citizens and it should be unacceptable to the Congress. There is nothing wrong with

Medicare that the administration's policy can fix.

The administration has a variety of rationalizations for its assault on Medicare—and each of these rationalizations is wrong. Republicans have never liked Medicare. They opposed it from the beginning and have never stopped trying to undermine it. The Newt Gingrich Congress tried to destroy it a decade ago, but the American people rejected that strategy, and President Clinton vetoed it. Now that Republicans control both Houses of Congress and the Presidency, they are at it again. Their plan would say that no senior can get the Medicare prescription drug coverage they need without joining an HMO.

It is no accident that the administration's scheme hinges on forcing senior citizens into HMOs or other private insurance plans. Whether the issue is Medicare or the Patients' Bill of Rights, the administration stands with powerful special interests that seek higher profits and against patients who need medical care. If all senior citizens are forced to join an HMO, the revenues of that industry would increase more than $2.5 trillion over the next decade. Those are high stakes. There will be a big reward for HMOs and the insurance industry if the administration succeeds. But there is an even greater loss for senior citizens who have worked all their lives to earn their Medicare, and that loss should be unacceptable to all of us. Senior citizens should not be forced to give up the doctors they trust to get the prescription drugs they need.

The Bush administration cloaks this plan in the language of reasonableness. They say that they just want to reduce Medicare's cost, so that it will be affordable when the baby boom generation retires. But HMOs are a false prescription for saving money under Medicare.

Administrative costs under Medicare are just 2 percent. Ninety-eight cents of every Medicare dollar is spent on medical care for senior citizens. By contrast, profit and administrative costs for Medicare HMOs average eighteen percent, leaving far less for the medical care the plan is supposed to provide.

This chart is a pretty graphic reflection of this point. ''Private insurance, a recipe for reduced benefits or higher premiums.''

These are the administrative costs and profits: under Medicare, 2 percent; under private insurance, 18 percent.

I ask the administration, how is spending more money on administration and profit supposed to reduce Medicare costs?

In fact, Medicare has a better record of holding down costs than HMOs and private insurance. Since 1970, the cost per person of private insurance has increased 40 percent more than Medicare. Last year, the per person cost of Medicare went up 5.2 percent, but private insurance premiums went up more than twice as fast 12.7 percent. Across the country, families are seeing their health premiums soar and their health coverage cut back. If the administration really thinks this is the right prescription for Medicare, they should talk to working families in any community in America.

This chart indicates that private insurance will not reduce Medicare costs or improve its financial stability. It illustrates the increases in Medicare costs versus private insurance premiums: 5.2 percent under Medicare; 12.7 percent under private insurance.

The administration claims that drastic changes are needed because Medicare will become unaffordable as the ratio of active workers supporting the program to the number of retirees declines. But analyses from the Urban Institute, using the projections of the Medicare Trustees, show that Medicare will actually be less burdensome for the next generation of workers to support than it is for the current generation. Economic growth and productivity gains will raise incomes of workers by enough to more than offset both the change in the ratio of workers and the yearly increase in medical costs. In fact, the real product per worker—after Medicare is paid for—will increase from $66,000 to $101,000. The issue is priorities. For this administration, the priority is making the powerful and wealthy still more powerful and wealthy—not assuring affordable health care for senior citizens.

This administration also claims that the changes it is proposing are intended to help senior citizens by giving them more choices. The real choice that senior citizens want is the choice of the doctor and hospital that will give them the care they need—not the choice of an HMO that denies such care.

This chart, ''Senior citizens choose Medicare, not private insurance, shows the proportion of senior citizens choosing Medicare versus Medicare HMOs'': In 1999, 83 percent chose Medicare; 17 percent, HMOs; and in 2003, 89 percent, Medicare, while 11 percent, HMOs.

Seniors have a choice today and they choose Medicare. Even so, this administration's proposal will say to seniors: if you want to receive the prescription drug program, you will have to get it under an HMO.

Senior citizens who want it already have a choice of HMOs and private insurance plans that offer alternatives to Medicare. But by and large, senior citizens have rejected that choice. In 1999, 17 percent of senior citizens chose an HMO. By 2003, only eleven percent chose one.

Congress enacted Medicare in 1965, because private insurance could not and would not meet the needs of senior citizens. In 2003, private insurance still won't meet their needs. Vast areas of the country have no private insurance alternative to Medicare. Two hundred thousand seniors will be dropped by HMOs this year, because the HMOs are not making enough profit. Last year, HMOs dropped half a million seniors. In 2001, they dropped 900,000 seniors. Yet that is the system the administration wants to force on senior citizens.

This chart shows the number of senior citizens that have effectively been dumped from Medicare HMO coverage. We find that in 2001, 934,000 seniors were dropped; in 2002, 536,000 dumped; in 2003, 215,000; in the year 2000, 327,000; and 407,000 in 1999. HMOs have been dropping seniors who wanted voluntarily to be in the HMO system.

Under the Bush plan, states will have an incentive to cut back coverage for those in need and spend the money that should go for health care on other projects.

The Child Health Insurance Program, CHIP, which now gives more than five million children the chance for a healthy start in life will be abolished.

Millions of senior citizens will no longer be able to count on federal nursing home quality standards to protect them if they are unable to remain in their own homes.

Spouses of senior citizens who need nursing home care will no longer be guaranteed even a minimum amount of income and savings on which to live.

We know that state budgets are in trouble because of the faltering economy. The demands on Medicaid are greater than ever, as more families lose their job and their health care. Instead of the money that states need to maintain the Medicaid safety net, the Bush administration gives states a license to shred it. Every day, this administration makes it clearer that tax cuts to make the rich richer is a higher priority than health care for senior citizens, and low income children, and the disabled. It's time for Congress and administration to stand up for the priorities of the American people—not the priorities of the wealthy and powerful.

Medicare and Medicaid are two of the most successful social programs ever enacted. It makes no sense for the administration to try to impose its harsh right wing agenda on programs that have done so much to bring good health care and genuine health security to vast numbers of senior citizens, low-income families and the disabled. The American people will reject this misguided program and so should the Congress.

The administration is not in favor of real choices for the elderly. They don't favor letting senior citizens choose their own doctor. They don't favor a fair and unbiased choice between and HMO and Medicare. Senior citizens already have that. What the Bush administration favors is a Hobson's choice, where senior citizens are forced to choose between the doctor they trust and the prescription drugs they need. And that is an unacceptable choice. The administration's plan for Medicare will victimize 40 million senior citizens and the disabled on Medicare. I want to just draw the attention of the Members to this chart I have in the Chamber.

These are the Medicare HMOs. There are huge gaps for senior citizens, areas of the country with no Medicare+Choice plans. There are vast areas of the country, outlined in red, where they do not even have this program. And still, the administration wants to insist that seniors subscribe to it.

Under the Bush plan, long-term Federal spending for health care for the needy will be reduced under their new proposed block grant program for Medicaid. That idea was proposed under then-Congressman Gingrich almost a decade ago. Under the new program, long-term Federal funding for health care for the needy will be reduced so that more money will be available for tax cuts for the wealthy. Under the Bush plan, States will have an incentive to cut back coverage for those in need and spend the money that should go for health care on other projects.

The Child Health Insurance Program, the CHIP program, which now gives more than 5 million children the chance for a healthy start in life, will effectively be abolished.

Millions of senior citizens will no longer be able to count on the Federal nursing home quality standards to protect them if they are unable to remain in their own homes. I was here not many years ago when we took days to debate the kinds of protections that we were going to give to our seniors who were in nursing homes. The examples out there of the kinds of abuses that were taking place were shocking to all of us. So we passed rules and regulations. But under this particular proposal, the administration is recommending millions of seniors will no longer be able to count on Federal nursing home quality standards to protect them if they are unable to remain in their homes. Spouses of senior citizens who need nursing home care will no longer be guaranteed even a minimum amount of income or savings on which to live.

We know that State budgets are in trouble because of the faltering economy. The demands on Medicaid are greater than ever as more families lose their jobs and their health care. Instead of the money that States need to maintain the Medicaid safety net, the Bush administration gives States a license to shred it.

Every day, this administration makes it clearer that tax cuts to make the rich richer is a higher priority than health care for our senior citizens and low-income children and the disabled. That is the bottom line: Every day, this administration makes it clearer that tax cuts to make the rich richer is a higher priority than health care for our senior citizens and low-income children and the disabled.

It is time for Congress and the administration to stand up for the priorities of the American people, not the priorities of the wealthy and the powerful.

Medicare and Medicaid are two of the most successful social programs ever enacted. It makes no sense for the administration to try to impose its harsh right-wing agenda on programs that have done so much to bring good health care and genuine health security to vast numbers of senior citizens, low-income families, and the disabled.

The American people will reject this misguided program, and so should the Congress.

Mr. REID. Will the Senator yield for a question?

Mr. KENNEDY. I am glad to.

Mr. REID. I have listened on the floor and off the floor to the Senator's statement, and especially about Medicare and Medicaid.

I ask the Senator, we have heard now for 2 years from this administration that the answer to the problems of the country are tax cuts, tax cuts, tax cuts. I ask the Senator—and I am confident of the answer—if he is aware that the deficit this year will be the largest in the history of the world, about $500 billion if you do not mask it with the Social Security surpluses?

Now, I am asking the Senator from Massachusetts, will the proposals by this administration in their tax cut proposal do anything to help the people in Nevada and Massachusetts and the rest of the country who are desperate for help in regard to Medicare and Medicaid?

Mr. KENNEDY. Absolutely not. And your observation goes right to the heart of the central issue that we have in the Senate; that this is a question of choices. It is a question of priorities. It is a question of choices, whether we are going to allow this emasculation of Medicare and Medicaid—especially when Medicaid looks after so many needy children. About one-half of the coverage is actually for poor children, although more than two-thirds of the expenditures are for the elderly and the disabled. But it looks after an enormous number of the poorest of children, and also after the frail elderly.

And the Medicare system, we guaranteed in 1965—I was here at that time. I was here in 1964 when it was defeated. It was defeated in 1964, and then 8 months later it was proposed here on the floor of the Senate and it passed overwhelmingly. And 17 Senators who were against it in 1964 supported it in 1965. The only intervening act during that period of time was an election—an election. Finally, our colleagues had gone back home and listened to the needs of our elderly people, the men and women who had fought in the World Wars, who brought this country out of the Depression, who sacrificed for their children, who worked hard, played by the rules, and wanted some basic security during their senior years from the dangers of health care costs.

We made a commitment. The Senator remembers. I have heard him speak eloquently on it. And in that 1965 Medicare Act we guaranteed them hospitalization and we guaranteed them physician services, but we did not guarantee prescription drugs because only 3 percent of even the private insurance carriers were carrying it at that time.

I ask the Senator whether he would agree with me that now prescription drugs are as indispensable, are as essential to the seniors in Nevada as hospitalization and physician visits? They are in Massachusetts.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to answer the question of the Senator from Massachusetts without the Senator from Massachusetts losing the floor.

The PRESIDING OFFICER (Mr. CHAFEE). Is there objection?

Without objection, it is so ordered.

Mr. REID. I say to my friend from Massachusetts, while the Senator was serving in the Senate in those years, in the early 1960s and mid 1960s, I was serving on the hospital board of Southern Nevada Memorial Hospital, the largest hospital district in Nevada at that time. I was there when Medicaid came into being.

Now, does the Senator realize—and I think he has heard me say this before; and I ask this in the form of a question, although I don't need to; I have the floor to answer the Senator's question—prior to Medicaid coming into being, that for that hospital of ours, that public hospital, 40 percent of the senior citizens who came into that hospital had no health insurance?

And when we had people come into that hospital with, as I referred to them then, an old person—I don't quite look at it the same now—they would have to sign to be responsible for their mother, their father, their brother, their sister, whatever the case might be, that they would pay that hospital bill. And if they did not pay, do you know what we would do? We had a collection department. We would go out and sue them for the money.

Now, I say to my friend from Massachusetts, the distinguished Senator, for virtually every senior who comes to the hospital—it does not matter where they are in America—they have health insurance with Medicare.

Mr. KENNEDY. That is right.

Mr. REID. Medicare is an imperfect program, but it is a good program.

And I answer the question about pharmaceuticals, prescription drugs. When Medicare came into being, seniors did not need prescription drugs because we did not have the lifesaving drugs we have now. We did not have the drugs that made people feel better. We did not have the drugs that prevent disease. Now we have those.

I say to my friend from Massachusetts, rather than spending the time here, as we are dealing with a man who has a job, Miguel Estrada, making hundreds of thousands of dollars a year—rather than dealing with him, I would rather be dealing with people in Nevada who have no prescription drugs.

In America, the greatest power in the world, we have a medical program for senior citizens that does not have a prescription drug benefit. That is embarrassing to us as a country. And

what are we doing here? We are debating whether a man should have a job.

We understand the rules. If they want to get off this, then let them file cloture. If they want to get out of this, let them give us the memos from the Solicitor's Office. Let him come and answer questions or let them pull the nomination.

The reason they are not doing that is, they don't want to debate this stuff. Look at the chart the Senator has. Tax cuts of $1.8 trillion, what does that do to Medicare and Medicaid? I hope I have answered the Senator's question. A prescription drug benefit is a priority, and it has to be a program more than just in name only.

Mr. KENNEDY. I thank the Senator for his usual eloquence and passion.

Just to sum up two items, as we discussed earlier, we passed a prescription drug program. Fifty-two Members of the Senate did so last year. I don't know why we couldn't debate it. I am sure our leader would support that effort.

Finally, let me point out something the Senator has mentioned. This chart summarizes it all. Under the administration's program for the States, over a 10-year period, Medicaid will be cut $2.4 billion, while there will be $1.8 trillion in tax cuts.

This is a question of priorities. I went through the various charts that reflected how this $2.4 billion Medicaid cut will be achieved versus the $1.8 trillion in tax cuts. This is a question of choice. This is a question of priorities when it comes to the Medicare and Medicaid Programs. The quicker we get the chance to debate these and get some votes on them, the better off our seniors will be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from Nevada has asked that we vote on Miguel Estrada. I ask unanimous consent that we proceed to a vote on Miguel Estrada now.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I ask that the Senator's request be modified in the following fashion: I ask unanimous consent that after the Justice Department finds the requested documents relevant to Mr. Estrada's government service, which were first requested in May of 2001, the nominee then appear before the Judiciary Committee to answer the questions which he failed to answer in his confirmation hearing and any additional questions that may arise from reviewing such documents.

Mr. CRAIG. Mr. President, I object and restate my unanimous consent request.

Mr. REID. To which I object. I object.

Mr. CRAIG. Mr. President, I just heard the Democrat leader come to the floor to demand a vote on Miguel Estrada so we could move on to other important issues. He had the opportunity to have that vote, and he objected. He wants to raise the issue of moving judges to a supermajority vote, denying this man, Miguel Estrada, a vote on the floor of the Senate under the constitutional clause of advice and consent to the President.

Let me talk about that for a few moments. Before I talk about that, as the chairman of the Aging Committee who has spent countless hours, as has the Senator from Massachusetts, on the issue of Medicare, he and I would both agree that when Medicare was passed in 1965, some 33 years ago, medicine was practiced much differently than it is now. Yet he is saying we want Medicare just like it was, and we want to add a new program to it.

As the Senator from Massachusetts well knows, when he voted for Medicare in 1965, it was expected to be about a 10, 20-billion-dollar-plus program. Today it is verging on a quarter of a trillion dollars, at least by the end of the decade, and it will potentially, by 2030, consume a quarter of the U.S. Government's budget.

I know the Senator from Massachusetts knows as well as I that the world has changed and health care delivery has changed and that we are not going to practice 33-year-old medicine on 2003 seniors. They don't expect it. They don't want it. They demand change.

In that change comes prescription drugs as a reasonable and right approach. But as we offer that to America's seniors, let us offer them a modernized, contemporary health care delivery system. Let us not lurk in the concept of a 33-year-old system that is now close to pushing us to deny services simply because it has become so costly and so bureaucratic. To deny them anything more than a modern health care delivery system with prescription drugs in it is to deny them the obvious; that is, quality health care.

Those are the facts. Those are the statistics. We can certainly debate those today. But we ought to be debating Miguel Estrada. The Democrats want to debate him. They deny us the vote that he is entitled to have. So for a few moments today, I would like to visit about Miguel Estrada.

Before I do that, I found this most intriguing. This is a fascinating issue. We suggest that it is partisan, and it appears to be almost at times. Yet I noticed in the RECORD of today a few quotes from a Democrat Senator. He said:

> Mr. President, the court provides the foundation upon which the institutions of government and our free society are built. Their strength and legitimacy are derived from a long tradition of Federal judges whose knowledge, integrity, and impartiality are beyond reproach. The Senate is obligated, by the Constitution and the public interest, to protect the legitimacy and to ensure that the public's confidence in the court system is justified and continues for many years to come. As guardians of this trust, we must carefully scrutinize the credentials and qualifications of every man and woman nominated by the President to serve on the Federal bench. The men and women we approve for these lifetime appointments make important decisions each and every day which impact the American people. Once on the bench, they may be called upon to consider the extent of our rights to personal privacy, our rights to free speech, or even a criminal defendant's right to counsel. The importance of these positions and their influence must not be dismissed. We all have benefited from listening to the debate about Miguel Estrada's qualifications to serve on the district court. After reviewing Mr. Estrada's personal and professional credentials, including personally interviewing the nominee, I believe he is qualified to serve on the district court, and I will vote for him.

That is Senator NELSON of Nebraska. That Senator wants a vote. I want a vote. We owe Miguel Estrada a vote—not a supermajority vote, not an effort to change the rules of the Senate, not an effort to deny the constitutional responsibility of this body that the other side is now doing, tragically enough, for the politics of the business instead of the substance of the issue. That is a tragedy that ought not be laid upon the floor of this Senate nor ought to come before what has been a responsible process and very important procedure.

I have been out in my State for a week, as have many of my colleagues. I say oftentimes to Idahoans: We watch the President. We see him every night on television. We, Members of the Senate and the other body, make headlines and are often talked about in the press. But very seldom does the third and equally important branch of Government, the judicial branch, get the attention. There are no natural lobbyists in general. There is no influence out there urging and pushing that the courts be treated responsibly, that these vacant positions be filled so that courts can do their duty and responsibility under the Constitution and provide for fair judgment of those who might come before them.

That responsibility lies in the President of the United States and in the Senate. We are the ones responsible for assuring that the courts are filled when those positions are vacant by appropriate people who have great integrity, who have moral and ethical standards, and who believe in the Constitution of our country.

Miguel Estrada fails on none of those qualifications. Here today, for the first time, Mr. Estrada is a target for a much larger hit; that is to suggest that a minority of the Senate could ultimately control the Supreme Court of the United States. I believe that is the battleground, while a lot of subterfuge may go on, smoke and mirrors, or diversion of attention; and I think most people who are now watching this debate are beginning to understand there is something very strange about it.

There used to be an old advertisement on television asking, ''where's the beef.'' Well, where's the issue here? Where is the substance of the issue, after the committee of jurisdiction, the Judiciary Committee, on which I serve, and on which the Senator from Massachusetts serves, very thoroughly went

through the background of Miguel Estrada? He came out with high qualifications, having been reviewed by the ABA. Wherein lies the problem—the simple problem of allowing this name and nomination to come to the floor for a vote—a vote. I tendered that vote a few moments ago by unanimous consent, to see it denied on the other side of the aisle because they say you must have a super vote, a 60-plus vote. No, we suggest the Constitution doesn't say that. We suggest that threshold has never been required. So I think what is important here is the reality of the debate and how we have handled it.

I have the great privilege of serving from the West, from the State of Idaho. There are a lot of traditions out there. One of the great traditions is sitting around campfires, visiting, telling stories, and talking about the past. Probably one of the most popular stories to tell in the dark of night in only the glow of the campfire is a good ghost story. It scares the kids, and even the adults get a little nervous at times because their back side is dark and only their faces are illuminated. The imagination of the mind can go beyond what is really intended. So great stories get told at the campfire.

I have listened to this debate only to think that great stories are attempting to be told here—or should I suggest that ghost stories are being proposed here—about Miguel Estrada. Why would we want to be suggesting there is something about this man that is not known, that there is not full disclosure on all of the issues? I suggest there is full disclosure. The other side is deliberately obstructing a nomination that has been before the Senate for 21 months. In that 21 months, there were no ghost stories; nothing new was found, except the reality of the man himself—the reality of a really fascinating and valuable record for the American public to know.

Their argument is that because they cannot find anything wrong with him—no ghost stories—then there have to be bad things hidden. Somebody could not be quite as good as Miguel Estrada. Why not? There are a lot of people out there who achieve and are phenomenally successful, morally and ethically sound, and well based, and who believe in our Constitution and are willing to interpret it in relation to the law and not to the politics of something that might drive them personally.

I don't believe in activist judges on the courts. I don't believe they get to go beyond the law or attempt to take us where those of us who are lawmakers intend us not to go or where the Constitution itself would suggest we do not go. So search as they may, they cannot find. And when they cannot find, they will obstruct. They have obstructed. Week 1. We are now into week 2. My guess is we will be into week 3 or 4. Hopefully, the American people are listening and understanding something is wrong on the floor of the Senate; something is wrong in that there is an effort to change the Constitution of our country simply by process and procedure—or shall I say the denying of that. I think those are the issues at hand here. That is what is important.

Mr. President, there was nothing more in telling a ghost story than in the imagination that came to the mind. There is nothing wrong with Miguel Estrada, except in the imagination in the minds of the other side, who would like to find a story to tell. But they cannot find one, dig as they might. There have been 21 months of effort, 21 months of denial. Why? Are we playing out Presidential politics on the floor of the Senate this year? It is possible. I hope we don't have to go there, and we should not. These are issues that are much too important.

This President has done what he should do. It is his responsibility to find men and women of high quality and high integrity, who are well educated and well trained in the judicial process and system—search them out and recommend them, nominate them to fill these judgeships. That is what he has done. Now he is being denied that.

A difference of philosophy? Yes, sure. It is his right to choose those he feels can best serve. He has found and has offered to us men and women of extremely high quality. Yet, at these higher court levels, and here in the district court, they are being denied.

Miguel Estrada has been under the microscope and nobody has found the problem. On the contrary, we have found much to admire. At least let me speak for myself. I have found much to admire in Miguel Estrada. By now, I don't need to repeat his history. I don't need to repeat the story of a young man coming to this country at 17 years of age, hardly able to speak English, who changed himself and the world around him, so that he is now recognized by many as a phenomenal talent and a scholar. Let me just say I think he and his family should be very proud of his achievements. They should also be proud of his receiving the nomination. Of all the people, they surely do not deserve to have the judicial nomination process turned into some kind of gamut, in which you run a person through and you throw mud at them, or you allege, or you imply, or you search for the ultimate ghost story that doesn't exist, to damage their integrity, to damage the image and the value and quality of the person.

Senators are within their rights to oppose any judicial nominee on any basis they choose. In the last 8 years, when President Clinton was President, I voted for some of his judges; I voted against some of them because they didn't fit my criteria of what I thought would be a responsible judge for the court. But I never stood on the floor and denied a vote, obstructed a vote. I always thought it was important that they be brought to the floor for a vote. Then we could debate them and they would either be confirmed or denied on a simple vote by a majority of those present and voting. That is what our Constitution speaks to. That is what our Founding Fathers intended. They didn't believe we should allow a minority of the people serving to deny the majority the right to evaluate and confirm the nominations of a President to the judicial branch of our Government.

If they want to administer a particular litmus test, as one of our colleagues on the Judiciary Committee has been advocating, that is their choice. If they simply do not like the way a nominee answered the questions that were put to him, then they can vote against the nominee for all of the reasons and the responsibilities of a Senator. But to say they cannot vote because there is no information about the nominee, or because he has not answered their questions, or because critical information is being withheld, well, that is clearly a figment of their imagination. That is a ghost lurking somewhere in the mind of a Senator, because for 21 months, try as they might, that ghost, or that allegation, has not been found or fulfilled.

In the real world, there is an enormous record on this nominee, bigger than the records of most of the judiciary nominees who have been confirmed by the Senate. In the real world, Mr. Estrada has answered question after question, just not always the way his opponents wished he would answer them; not just exactly the way his opponents would wish he had answered them, but he did answer them. In the real world, there is no smoking gun in the privileged documents that the opposition is unreasonably and inappropriately requesting.

There is something very familiar about the tactic being used against Miguel Estrada, and I finally realized what it was. This is the same obstructionism we have seen again and again from our friends on the other side, the same process that denied us the right to a budget, the right to appropriations for 12 long months. They could not even produce a budget. So we brought it to the floor and in 4 weeks we finalized that process.

For the last year and a half, we have lived with that issue of obstructionism, and today we are with it again. Now we are in our second week of denying an up-or-down vote. What is wrong with having an up-or-down vote? That is our responsibility. That is what we are charged to do under the Constitution.

I believe that is the issue. Instead of fighting on policy grounds, they are simply wanting to deny this issue to death. In the last Congress, as I mentioned, we had no budget, we saw an Energy Committee shut down because they would not allow that Energy Committee to write an energy bill, and they would not allow authorizing committees to function in a bipartisan way when they controlled the majority. Denial and obstruction is not a way to run a system. It is certainly not the way to operate the Senate.

Now we have a personality. Now it is not an abstract concept. Now it is not a piece of a budget or a dollar and a cent, as important as those issues are. We are talking about an individual who has served our country well, who has achieved at the highest levels, who is a man of tremendous integrity, and because he does not fit their philosophic test, the litmus test of their philosophy as to those they want on the court, but he does achieve all of the recognition of all of those who judge those who go to the court on the standards by which we have always assessed nominees to the judiciary system, that is not good enough anymore. The reason it is not good enough is because it is President George Bush who has made that nomination.

In the current Congress, that is an issue with which we should not have to deal. We should be allowed to vote, and I hope that ultimately we can, and certainly we will work very hard to allow that to happen. That is what we ought to be allowed to offer: to come to the floor, have an up-or-down vote on Miguel Estrada, debating for 1 week, debating for 2 weeks, debating for 3 weeks, if we must, but ultimately a vote by Senators doing what they are charged to do.

That is the most important step and, of course, that is the issue. Or is the issue changing the name of the game, changing or raising the bar, in this instance, to a higher level of vote, not for Miguel Estrada but for future votes, possibly a Supreme Court Justice? I do not know what the strategy is, but there is a strategy.

It is undeniable because we have seen it day after day, time after time. We watched it when they chaired the Judiciary Committee last year. I now serve on the Judiciary Committee. I went there this year with the purpose of trying to move judges through, trying to get done what is our responsibility to do, trying to fill the phenomenal number of vacancies. When there are vacancies in the court and caseloads are building, that means somebody is being denied justice. We should not allow our judiciary system to become so politicized by the process that it cannot do what it is charged to do. Therein lies the issue. I believe it is an important issue for us, and it is one I hope we will deal with if we have to continue to debate it.

Let me close with this other argument because I found this one most interesting. They said: We are just rubberstamping George Bush's nominations. Have you ever used a rubberstamp? Have you ever picked up a stamp, tapped it to an ink pad, tapped it to a piece of paper? That is called rubberstamping. My guess is it takes less than a minute, less than a half a minute, less than a second to use a rubberstamp.

That is a false analogy. Twenty-one months does not a rubberstamp make; 21 months of thorough examination, hours of examination by the American Bar Association. I am not an attorney, but my colleague from Nevada is. It used to be the highest rating possible that the American Bar Association would give in rating the qualifications of a nominee. I used to say that rating was probably too liberal. Now I say it is a respectable rating. Why? Because the bar on the other side has been raised well beyond that rating. Now we are litmus testing all kinds of philosophical attitudes that the other side demands a nominee have, and if they say, We are simply going to enforce or carry out or interpret the law against the Constitution, that is no longer good enough. Rubberstamping? A 5-second process, a 2-second process, or a 21-month process? I suggest there is no rubberstamping here.

I suggest the Judiciary Committee, under the chairmanship of PAT LEAHY, now under the chairmanship of ORRIN HATCH, has done a thorough job of examining Miguel Estrada, who has a personal history that is inspiring, work achievement that is phenomenally impressive, a competence and a character that has won him testimonials from all of his coworkers and friends, Democrats and Republicans, liberal and conservative.

As I mentioned, I am a new member of the Judiciary Committee. It is the first time in 40 years that an Idahoan has served on that committee, and I am not a lawyer. So I look at these nominees differently than my colleagues who serve on that committee who are lawyers. But I understand records. I understand achievement. I understand integrity. I understand morals, ethics, and standards that are as high as Miguel Estrada's.

I am humbled in his presence that a man could achieve as much as he has in as short a time as he has. I am angered—no, I guess one does not get angry in this business. I am frustrated, extremely frustrated that my colleagues on the other side would decide to play the game with a human being of the quality of Miguel Estrada, to use him for a target for another purpose, to use him in their game plan for politics in this country, to rub themselves up against the Constitution, to have the Washington Post say: Time's up. Enough is enough. To have newspaper after newspaper across the country say: Democrats, you have gone too far this time. Many are now saying that, and that is too bad to allow that much partisan politics to enter the debate.

We all know that partisan politics will often enter debates, but it does not deny the process. It does not obstruct the process. It does not destroy the process. Ultimately, the responsibility is to vote, and it is not a supermajority. The Senator from Nevada knows that, and the Senator from Idaho knows that. I could ask unanimous consent again that we move to a vote on the nomination of Miguel Estrada, and the Senator would stand up and say: I object.

That is how one gets to the vote on the floor of the Senate. After the issue has been thoroughly considered, Senators ultimately move to a vote. That is my responsibility as a Senator. That is one that I will work for in the coming days. That is one that many of my colleagues are working for.

We will come to the floor, we will continue to debate the fine points of Miguel Estrada, but we will not raise the bar. We should not set a new standard. In this instance, we should not allow a minority of Senators to deny the process because there is now a substantial majority who would vote for Miguel Estrada because they, as I, have read his record, have listened to the debate, have thoroughly combed through all of the files to understand that we have a man of phenomenally high integrity who can serve this country well on the District Court of Appeals that he has been nominated by President Bush to serve on.

Our responsibility is but one: to listen, to understand, to make a judgment, and to vote up or down on Miguel Estrada. So I ask the question, Is that what the other side will allow? Or are they going to continue to deny that? Are they going to continue to demand that a new standard be set? The American people need to hear that. They need to understand what is going on on the floor of the Senate, and many are now beginning to grasp that.

As newspapers talk about it, some in the Hispanic community are now concerned that somehow this has become a racist issue. I do not think so. I hope not. It should not be. It must not be. Tragically, we are talking about a fine man who is ready to serve this country and who is being caught up in the politics of the day, and that should not happen on the floor of the Senate.

Before I got into politics, I was a rancher in Idaho, and I can vouch for the fact that a lot of cowboy traditions are still alive and well in the Intermountain West. One of those great traditions is storytelling—gathering around a campfire and telling ghost stories. Some of those stories can be pretty scary. But nobody really believes them—certainly not adults, and not in the light of day.

I am reminded of that storytelling tradition of the West when I look back on the debate surrounding Miguel Estrada to the U.S. Court of Appeals for the D.C. District. The reason this debate reminds me of those old ghost stories is that the opposition's arguments amount to just that: stories about imagined ghosts and monsters, told for the purpose of frightening people.

I have been serving in the Senate for better than a decade, and I have seen a lot of filibusters about a lot of things, but this is the first time I have seen a filibuster over nothing—that's right: nothing. The other side is deliberately obstructing the nomination of Miguel Estrada because after 21 months they can find nothing wrong with this nominee.

Their argument is that because they cannot find anything wrong with him,

all the bad things must be hidden, and therefore they need more time for their fishing expedition on this nomination. Only now, that fishing expedition is going into documents that are privileged, and public policy itself would be violated by breaking that privilege. That's not just my opinion—as we have heard again and again, it is the opinion of the seven living former Solicitors General, both Democrat and Republican.

With nothing to complain about, the opposition is trying to get us all to believe that there must be some terrible disqualifying information that is being withheld from the Senate. What that terrible information is, they leave us to imagine: maybe some writings that will reveal a monster who is going to ascend to the bench where he can rip the Constitution to shreds and roll back civil liberties. Maybe something even worse.

These are nothing more than ghost stories, deliberately attempting to frighten the American people and this Senate. It is time to shine the light of day on this debate, time to realize there is no monster under the bed.

And it is high time that the Democrat leadership put a stop to the politics of character assassination that go along with all this storytelling. It is outrageous to suggest that Miguel Estrada is hiding something, or being less than forthcoming with this Senate. The Senate Judiciary Committee had plenty of time over the last 21 months to find some real problem with this nominee—but no such problem was found. The American Bar Association reviewed him, found nothing wrong with him, and even gave him its highest rating—''well qualified.'' The Bush administration looked into his record before sending up the nomination. And let's not forget that he worked for the previous administration, too, which not only hired him but gave him good reviews.

So Miguel Estrada has been under the microscope, and nobody has found a problem with him. On the contrary, we have found much to admire—at least, let me speak for myself—I have found much to admire about Mr. Estrada. By now, his story is pretty well known to anyone who follows the daily news, let alone Senators who study the nominees who come before them, so I won't repeat it again. Let me just say that I think he and his family should be very proud of his achievements. They should also be proud of his receiving this nomination. And of all people, they surely do not deserve to have the judicial nomination process turned into some kind of grueling gauntlet through the mud being generated by the opposition.

Senators are within their rights to oppose any judicial nominee on any basis they choose. If they want to administer a particular litmus test, as one of our colleagues on the Judiciary Committee has been advocating, that is their choice. If they simply do not like the way a nominee answered the questions that were put to him, then they can vote against that nominee for that reason.

But to say they cannot vote because there is no information about this nominee, or because he has not answered their questions, or because critical information is being withheld—well, apparently they do not live in the same world the rest of us do. Because in the real world, there is an enormous record on this nominee—bigger than the records on most of the judicial nominees who have been confirmed by the Senate. In the real world, Mr. Estrada has answered question after question—just no always the way that his opponents wished he would have answered. And in the real world, there is no smoking gun in the privileged documents that the opposition is unreasonably and inappropriately requesting.

There is something very familiar about this tactic being used against Miguel Estrada, and I finally realized what it was: this is the same obstructionism that we have seen again and again from our friends on the other side. Instead of fighting on policy grounds, they just obstruct and delay the issue to death. In the last Congress, we never got a budget, we never got an energy bill—just more obstruction and delay. And in this current Congress, instead of having an honest up-or-down vote on this nominee, they filibuster about the past history of judicial nominees under former administrations.

Another of my colleagues revealed during this debate that obstructionism is a tactic out of a playbook for stopping President Bush from getting his nominees to the higher courts—maybe not every court, but certainly the circuit courts and maybe someday the Supreme Court. We have heard on this Senate floor about that playbook advising our Democrat colleagues to use the Senate rules to delay and obstruct nominees—first in committee and then on the Senate floor.

This is the first step in raising the bar for all of President Bush's nominees. That is the goal—to raise the bar, to impose new tests never envisioned in the Constitution, for anyone nominated by President Bush. Make no mistake about this: it is partisan politics at its most fundamental. Instead of the Senate performing its constitutional role of advise and consent, the Democrat leadership intends to put itself in a position to dictate to the President who his nominees can be. Instead of allowing the normal process to work—the process through which all judicial nominees have gone before—they are fashioning a new set of tests that will become the standard.

And while I am talking about raising the bar, let me anticipate the argument of the opposition. I have heard a lot from my Democrat colleagues about how they are offended at being expected to ''rubberstamp'' President Bush's nominees. Last I checked, it takes about two seconds to ''rubberstamp'' something; you just pound the stamp on an inkpad and then on a piece of paper, and you are done.

This nomination, on the other hand, has been in the works for 21 months, involved extensive hearings by a then-Democrat-led Judiciary Committee, included supplemental questions posed by Committee members, a non-unanimous vote of that Committee, and weeks of debate on this floor. For any Senator to say this amounts to being pushed into ''rubberstamping'' this nominee is hogwash.

Furthermore, anybody who wants to complain about ''rubberstamping'' ought to be out here standing side by side with Republicans, demanding an up-or-down vote on this nominee. I say to my colleagues, if you are not satisfied that this nominee will be a good judge on the Court of Appeals, then vote against him. If you are sincere about your objections, and not just playing political games, then you have nothing to lose by demanding a fair vote.

I do not see how anybody could read the record on this nominee and listen to the debate in this Senate and not conclude that Miguel Estrada will serve the United States with distinction on the Federal bench. His personal history is inspiring; his work achievements are impressive; his competence and character have won him testimonials from friends and coworkers of every political stripe.

I am a new member of the Judiciary Committee—the first Idahoan to serve on that committee in more than forty years—and I am proud to say that my first recorded vote on that committee was to confirm Mr. Estrada. I am now asking my colleagues to allow the full Senate to have the opportunity to vote on this nominee. Let us stop the storytelling, get back to the real world, and have a fair up-or-down vote on the confirmation of Miguel Estrada.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Democratic whip.

Mr. REID. Mr. President, the Democratic leader was on the floor this morning and spoke at some length about the problems facing this country. The problems facing this country are significant. It is untoward, as the Democratic leader stated, that we are not dealing with issues the people we represent, who are in our home States, want to talk about. They want us to do something about the health care delivery system in this country. That includes prescription drugs. It includes the Patients' Bill of Rights. It includes Medicare. It includes Medicaid.

The people at home want us to at least remember that we have environmental problems facing this country that we need to deal with. The people at home understand education is a significant issue. The people at home understand their State—there are only four States that do not have a budget deficit. All other States are spending in the red. They want some help. We, as a

Senate, deserve to deal with those and other issues that the people of our States believe we should be talking about.

There have been a number of requests made: Why do we not vote on this in 6 hours, 4 hours, 2 hours, 10 hours, 2 days, Friday by 9:30? And we have said very simply—this is the ninth day of this debate covering a period of approximately 3 weeks—Miguel Estrada needs to be candid and forthright. And how is that going to be accomplished? It is going to be accomplished by his giving us information, answering questions, and giving us the memos he wrote when he was at the Solicitor General's Office.

We should be dealing with the issues I have outlined, and others, issues that people really care about at home. But, no, we are not going to take up S. 414 that Senator DASCHLE asked unanimous consent that we move to, the economic stimulus package the Democrats prefer. What it does is give immediate tax relief to the middle class and has no long-term impact on the deficit of this country.

If we brought that up and the majority did not like our bill, we could have a debate on what is the best thing to do to deal with the financial woes of this country. That is what we should be dealing with.

As I have said earlier today, and I repeat, the reason we are not dealing with those issues of immense importance to this country is the majority does not have a plan or a program.

The President's tax cut proposal, his own Republicans do not like it. The chairman of the Ways and Means Committee of the House does not like it. Individual Members of the Senate, who are Republicans, who do not like his program, have written to him and talked to him. So that is why they are not bringing that up.

Why are we not going to do something dealing with health care? Because they do not have their act together. They do not know what they want.

So without running through each issue we should be talking about, let me simply say Miguel Estrada needs to be resolved and can be resolved in three ways: The nomination be pulled and we can go to more important issues; No. 2, he can answer the questions people want to propound to him and have propounded to him; and thirdly, he submit the memos he wrote when he was in the Solicitor General's Office and answer questions.

There has been a lot said in righteous indignation: We cannot give these memos because it would set a precedent that has never been set in the history of this country. Senators DASCHLE and LEAHY, the Democratic leader and the ranking member of the Judiciary Committee, wrote to the White House and said: Give us the memos. Let him answer the questions.

We get a 15-page letter back from Gonzales, the counsel to the President, saying: We are not going to do that.

My staff just showed me a letter—I guess he did not have time, as counsel to the President did, to write a 15-page letter—in two or three sentences saying that Gonzales, if he wanted to talk to Senator DASCHLE and I, they would have him come forward and he could sit down and talk to us.

We are not going to do that. The Democrats in the Judiciary Committee unanimously voted against Miguel Estrada because he did not answer the questions and he did not submit the memos.

My case to the Senate, my case to the American people, is there is no precedent set by his giving this information, and I say that for a number of reasons.

I have a detailed letter from the Department of Justice describing their efforts to respond to the Senate's request for Chief Justice Rehnquist's Office of Legal Counsel memos during his nomination—he was a Supreme Court Justice at the time, but now he is the Chief Justice—and a legal letter from the Department of Legislative and Intergovernmental Affairs, John Bolton, on August 7, 1986, which states and I quote:

We attach an index of those documents—

Rehnquist legal memorandum from when he was the Assistant Attorney General for the Office of Legal Counsel in the Solicitor's Office—

and will provide the Committee with access in accordance with our existing agreement.

The letter also indicates that numerous other legal memoranda were provided to the committee prior to that date. The letter also contains an attachment, ''Index to Supplemental Release to Senate Judiciary Committee,'' which lists three additional memos relating to legal constraints on possible use of troops to prevent movement of May Day demonstrators, possible limitations posed by the Posse Comitatus Act on the use of troops, authority of members of the Armed Forces on duty in civil disturbances to make arrests.

These are internal memos, obviously, written by attorneys containing legal analyses and deliberations about very sensitive issues. Again, it is obvious that legal memos similar to Mr. Estrada's were provided to the Senate Judiciary Committee, reviewed and returned to the Department. In fact, Senator BIDEN, still a member of this body, wrote to Attorney General Meese to thank him for his cooperation and then asked for additional memos that I assume were provided.

I ask unanimous consent that a letter dated July 23, 1986, written to the Honorable Strom Thurmond, chairman of the Senate Judiciary Committee, from JOE BIDEN asking that the Department of Justice supply certain information regarding the nomination of William B. Rehnquist to be Chief Justice, I ask simply that that matter be forwarded to the Senate and be printed in the RECORD.

As well, we have a request back—I am sorry. We have a letter written to JOE BIDEN from Senator EDWARD M. KENNEDY, Howard Metzenbaum, and Paul Simon, members of that Judiciary Committee, who asked for certain information dealing with memoranda that Rehnquist prepared. We have a letter written to Attorney General Meese from JOE BIDEN setting forth the materials that were requested, together with Rehnquist documents that are wanted. We have a letter dated August 7 to Chairman Thurmond from John Bolton that I referred to in more general terms. That lists in detail the material that was supplied.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 23, 1986.

Hon. STROM THURMOND,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR STROM: I have enclosed the request of the Department of Justice for documents concerning the nomination of William H. Rehnquist to be Chief Justice. Please forward the enclosed request for expedited consideration by the Department. I understand it may be necessary to develop mutually satisfying procedures should any of the requested documents be provided to the Committee on a restricted basis.

Sincerely,

JOSEPH R. BIDEN, Jr.,
Ranking Minority Member.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 23, 1986.

Hon. JOSEPH R. BIDEN, Jr.,
Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR JOE: In preparation for the Senate Judiciary Committee hearings on the nomination of William H. Rehnquist be to Chief Justice of the United States, please ask Chairman Thurmond to provide the following information and materials, as soon as possible:

1. For the period from 1969–1971, during which Mr. Rehnquist served as Assistant Attorney General for the Office of Legal Counsel, all memoranda, correspondence, and other materials on which Mr. Rehnquist is designated as a recipient, or materials prepared by Mr. Rehnquist or his staff, for his approval, or on which his mane or initials appears, related to the following:

—executive privilege;

—national security, including but not limited to domestic surveillance, anti-war demonstrators, wiretapping, reform of the classification system, the May Day demonstration, the Kent State killings, and the investigation of leaks;

—the nominations of Harry A. Blackmun and G. Harrold Carswell to be Associate Justices of the Supreme Court;

—civil rights;

—civil liberties.

2. The memo prepared by law clerk Donald Cronson for Justice Jackson concerning the school desegregation cases, entitled, ''A Few Expressed Prejudices on the Segregation Cases''.

3. The original of the Cronson cable to Mr. Rehnquist in 1971, which appears in the Congressional Record of December 9, 1971.

4. Financial disclosure statements for Justice Rehnquist for the period from his appointment to the Court until 1982.

5. Any book contracts to which Justice Rehnquist is a signatory and which were in

effect for all or any part of the period from January 1984 to the present, or for which he was engaged in negotiations during the same period.

Sincerely,

EDWARD M. KENNEDY.
HOWARD M. METZENBAUM.
PAUL SIMON.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY
Washington, DC, August 6, 1986.

Hon. EDWIN MEESE III,
Attorney General, Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: First, I wish to express my appreciation for the manner in which we were able to resolve the issue of access to documents which we requested in connection with Justice Rehnquist's confirmation proceedings. I am delighted that we were able to work out a mutually acceptable accommodation of our respective responsibilities.

We have now had an opportunity to conduct a preliminary examination of the materials which were provided to us last evening, and we have noticed that several of the items refer to other materials, most of which appear to be incoming communications to which the nominee was responding while he headed the Office of Legal Counsel. Attached hereto is a list of those other materials, and I would appreciate your taking appropriate steps to see that those items are made available as soon as possible.

Finally, once you have provided us with access to these additional materials, I would appreciate your providing us with a written description of the steps which have been taken, and the files which have been searched, in your Department's effort to be responsive to our requests.

Once again, thanks for your continuing assistance.

Sincerely,

JOSEPH R. BIDEN, Jr.,
Ranking Minority Member.

REHNQUIST DOCUMENTS

A. Letter from Lt. Gen. Exton, dated Dec. 2, 1970. (This item is referenced in the attachments to I.2.)

B. The ''transmittal of June 5, 1969'' from Herbert E. Hoffman, (This item is referenced in II.1.)

C. The ''directive . . . sent out by General Haig on June 30.'' (This item is referenced on the first page of the first attachment to II.2.)

D. ''Haig memorandum of June 30.'' (This item is referenced on the first page of the first attachment to II.2.)

E. ''NSSM–113''. (This item is referenced in II.4.)

F. The ''request'' of William H. Rehnquist. (This is referenced in the first paragraph of II.5.)

G. The ''request'' of William H. Rehnquist. (This item is referenced in the first paragraph of II.6.)

H. John Dean's ''memorandum of Nov. 16, 1970.'' (This item is referenced in II.8.)

I. Robert Mardian's ''memorandum of January 18, 1971.'' (This item is referenced in II.10.)

J. The ''similar memorandum to Mr. Pellerzi and his response of January 21 concerning the above-captioned matter.'' (These *two* items are referenced in II.10.)

K. Kenneth E. BeLieu's ''request of October 28, 1969 for rebuttal material.'' (This item is referenced in V.1.)

L. William D. Ruckelshaus' ''memorandum of December 19, 1969.'' (This item is referenced in VI.2, and in VI.4.)

M. William D. Ruckelshaus' ''memorandum of February 6, 1970.'' (This item is referenced in VI.5.)

N. Mr. Revercomb's request. (This item is referenced in I.1.)

DEPARTMENT OF JUSTICE, OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
Washington, DC, August 7, 1986.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN THURMOND: This letter responds to Senator Biden's August 6 request for certain additional materials referred to in the documents from the Office of Legal Counsel (OLC) that were made available for the Committee's review, and for an explanation of the procedures followed by the Office of Legal Counsel in locating and reviewing those materials. Because OLC went to extraordinary lengths in responding to the document requests in a very short time, I think it would be useful to describe those efforts first.

The files of the Office of Legal Counsel for the years 1969–1971 are maintained in two, duplicative sets: one in hard copy (on a chronological basis) and the other on a computerized system (which can be searched by words or phrases). The Office's normal procedure in response to any request for documents—be it from the public, another government agency, or from a member of Congress—is to conduct a search through the computer system to locate the potentially responsive document or documents. The documents thus identified are then reviewed in hard copy to determine whether they are responsive to the request and whether they may be released, consistent with preserving the integrity of the Office's role as confidential legal advisor to the Attorney General and to the President. The computer search and review is supervised directly by senior career personnel of the Office.

In this case, the Office went far beyond its routine process to ensure the comprehensiveness of its response. In keeping with established procedures, members of the career OLC staff, under the supervision of the senior career lawyer who usually handles such matters, performed extensive subject matter searches of the computer data base to identify all documents in the files that were conceivably responsive to the request. Those documents were then reviewed by a senior career staff lawyer to determine their responsiveness. In addition, OLC career staff performed an overlapping review, from the hard copy files maintained by OLC for 1969–1971, of all documents prepared by or under the direction and supervision of Mr. Rehnquist. Finally, a staff lawyer worked with the Records Management Division of the Department of Justice to try to identify and locate any files stored in the federal records center that might possibly contain responsive documents.

I note that review of the stored files in this manner is extraordinary and to our knowledge unprecedented. The OLC files from the relevant time period were consolidated with other Departmental files by the Records Management Division, and then processed and maintained by that Division based on a complicated and incomplete filing system. It is virtually impossible to determine whether documents from the Office of Legal Counsel may be in a particular stored file, or indeed to determine whether particular files were maintained.

Nonetheless, in an effort to be as complete as possible in responding to the request, OLC undertook to try to identify any stored files that could conceivably contain responsive documents. Although an initial review of the index maintained by the Records Management Division did not suggest that those files contained responsive material that OLC had not previously located, in an abundance of caution OLC requested access to any possibly relevant files. Those files were received from the records center in Suitland, Maryland, late yesterday afternoon. Based on a review of those files by OLC career staff, OLC located three additional memoranda relating to the May Day arrests, each of which was prepared by OLC staff. We attach an index of those documents, and will provide the Committee with access in accordance with our existing agreement.

In addition, the files received from the federal records center included a copy of the December 2, 1970, letter from Lt. Gen. Exton, which is requested as item A by Senator Biden in his August 6 letter. We will also furnish this letter to the Committee under the same terms. With the exception of item M on Senator Biden's list, which has already been made available to the Committee, OLC has been unable to locate any of the other requested materials in its files or in the stored files. Many of these documents may, in fact, no longer exist. The various ''requests'' listed as items F, G, and K, for example, were most likely oral requests that were never memorialized in writing.

In sum, the staff of the Office of Legal Counsel went to extraordinary lengths to ensure that all responsive materials were located, putting literally hundreds of hours into this project.

Please let me know if we can be of further assistance.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

INDEX TO SUPPLEMENTAL RELEASE TO SENATE JUDICIARY COMMITTEE

1. 5/71 memo to file from Eric Fygi: ''Prevention by Use of Troops of Departure of Mayday Demonstrators from West Potomac Park for Demonstration Sites''

This memorandum discusses legal constraints on possible use of troops to prevent movement of May Day demonstrators.

2. 4/26/71 memo to WHR from Eric Fygi and Mary C. Lawton: ''Legal and Practical Considerations Concerning Protective Actions by the United States to Ameliorate the 'Mayday Movement' Traffic Project''

This memorandum discusses possible limitations posed by the Posse Comitatus Act on the use of troops in connection with the planned May Day demonstrations.

3. 4/29/71 memo to file from Mary C. Lawton (copy provided to WHR): ''Authority of members of the Armed Forces on duty in civil disturbances to make arrest''

This memorandum questions arising under federal and D.C. law and the Uniform Code of Military Justice with respect to arrests by members of the armed forces.

4. 12/3/70 letter from Lt. Gen. H.M. Exton to Attorney General Mitchell (as requested by Senator Biden's letter of August 6, 1986).

Mr. REID. Madam President, my friend from Idaho, the distinguished senior Senator—and he is my friend; I have the greatest respect for him; he is a fine man; he represents his State very well—I respectfully submit to this body my friend's statements regarding what the Senate did not do last year is a statement made through a pair of glasses that obviously are very foggy.

I say that because there is a lot of talk here about things that were not done. But the fact is the work that was left undone last year was left undone as a result of the President of the United States and the Republican-led House of Representatives not allowing us to move the appropriations bills. We

passed 2 bills, leaving 11 undone. The House of Representatives simply refused to take votes on those very difficult bills. They knew if they took votes on those bills as they wanted them in the House of Representatives, it would create chaos among the people in the country because the people would know then that the Republicans simply were not meeting the demands of the American people.

As a result of that, even though we passed every bill out of the Senate Appropriations Committee—all 13—we were not allowed to take them up. So we have to understand that is basically the way it is.

The senior Senator from Idaho has talked about the need to have a vote on Estrada. It is within the total power of the majority to have a vote. How do they have a vote? The rules in this body have been the same for a long time: File a motion to invoke cloture. Why does the Senate have a rule such as this? The Senate of the United States, as our Founding Fathers said, is the saucer that cools the coffee. The Constitution of the United States is a document that is not to protect the majority; this Constitution protects minorities. The majority can always protect itself. The Constitution protects the minority. If the majority wants to vote, it can invoke cloture—try to. It takes 60 votes. No question about that. Then they can have the up-or-down vote that they want.

All the crocodile tears are being shed for this man who is fully employed downtown here with a big law firm, making hundreds of thousands of dollars a year. We are holding up the work of this country that deals with problems that people who do not make that kind of money have, people who are struggling to make sure they can pay their rent, make their house payment, pay their car payment, that they can find enough money to get to work on public transportation, people who need a minimum wage increase, people who have no health care; they cannot take their children to the hospital when they are sick, and if they do, they know they are going to be billed large sums. Some places do not have indigent hospital care. We know there are many people who are underinsured, as Senator KENNEDY and I talked about. There are 44 million who do not have health insurance. Those are the problems with which we should be dealing.

The Clark County School District in Las Vegas is the fifth or sixth largest school district in America. A quarter of a million children need help. The school district is in dire need of help. The Leave No Child Behind is leaving a lot of kids behind because there is no money to take care of the problems. We met with Governors today for lunch, and they were told when they met with the President yesterday for Leave No Child Behind they are supposed to do the testing, and if that does not work out, they are supposed to take care of the other problems. That is not the deal we made. The States were desperate before that was passed. We do not fund the IDEA act, children with disabilities. These are the issues we should be dealing with—not spending 3 weeks of our time on a man who is fully employed. Let's talk about some of the people who have no jobs or are underemployed.

Having said that, my friend, the distinguished senior Senator from Idaho, cannot understand why there is not a vote on Estrada the way he believes a vote should occur. My friend, the distinguished senior Senator from Idaho, voted against 13 Clinton nominees on the floor, including Rosemary Barkett, born in Mexico, who emigrated to the United States. She had a great rating from the ABA, before Fred Fielding was on the committee, and he does not write her evaluation report.

By the way, the one thing on which I agree with the Republicans: They were right in saying the ABA should be out of the process. I will join with anyone in the future to get the ABA out of the process. It is corrupt, unethical; there are absolute conflicts of interest. The Republicans were right; it has been unfair.

I cannot imagine that body having thousands of——

Mr. CRAIG. Will the Senator yield?

Mr. REID. In one second, I will yield—thousands of lawyers, and they cannot get people who would be fair and reasonable and do not appear to have conflicts of interest? It is ripe to get rid of it.

Mr. CRAIG. I would not deny the Senator the right to the floor. I am curious, for the 8 years of the Clinton administration, this was the gold plate. The American Bar Association quality test was a gold plate. I said wait a moment here and voted against some of them.

Mr. REID. I respond to my friend, I said on the Senate floor today in the presence of the chairman of the Judiciary Committee, they were right. I acknowledge that.

Mr. CRAIG. A year makes a lot of difference, in the opinion of the Senator?

Mr. REID. Knowledge makes a difference. I am not a member of the Judiciary Committee.

Mr. CRAIG. And I am a freshman there.

Mr. REID. I think the ABA should be ashamed of themselves.

I said this morning, I practiced law quite a few years before coming here. I was not a member of the ABA for a number of reasons. Had I known this, I would really not have been a member. Lawyers all over America—we have, going back to biblical times, had problems with lawyers.

Mr. CRAIG. That is why——

Mr. REID. The ABA, I cannot think of a better phrase than that they should be ashamed of themselves for what they have done.

This is off the subject, but I will get back on the subject. I believe all Presidents, Democrat and Republican, have had trouble getting nominees—whether it is Cabinet officers, sub-Cabinet officers, members of the military, whether it is judges—trying to get them before the Senate because of the length of time the FBI investigations take and all the hoops people have to jump through now.

I say let's eliminate the ABA from the judges. I don't know how many of my colleagues here agree, but I agree, and I will join with the Republicans anytime to get the ABA out of the process.

My friend, the distinguished Senator from Idaho, voted against Judge Sonia Sotomayor, the first Hispanic female appointed to the circuit, and Judge Richard Paez confirmed to the Ninth Circuit after 1,520 days following his nomination. In fact, the distinguished senior Senator from Idaho not only voted against Judge Paez's confirmation, before that vote on March 9, 2000, but also voted on that day to indefinitely postpone the nomination of Richard Paez.

I find it fascinating that someone who voted to indefinitely postpone a vote on Paez would now say that Estrada is entitled to an immediate vote on his nomination.

Mr. CRAIG. Will the Senator yield?

Mr. REID. I am happy to yield, although I do not lose my right to the floor.

Mr. CRAIG. Madam President, the Senator is absolutely right. I did vote against those judges, as I said on the floor a few moments ago. I voted for some of the Clinton judges and against some of them based on philosophy. The question I ask, though, is, Did I ever deny the Senate the right to go to a vote? Did I ever filibuster as the Senator's party is now doing on this issue?

Mr. REID. I say to my friend that we had to vote cloture on Paez. That is how we got a vote on Paez. That is how that came about. We had to invoke cloture, and we had enough people of goodwill on the other side of the aisle who joined with us to invoke cloture. So the debate stopped.

Mr. CRAIG. I see.

Mr. REID. Madam President, as I was saying before, the question was asked. Senator CRAIG voted against the motion to invoke cloture on the debate on Paez who was pending for more than 1,500 days.

I want everyone within the sound of my voice to hear this. As Senator DASCHLE and I said, when the Democrats took over control of the Senate, we said it is not payback time no matter how bad President Clinton was treated. And we could go into a long harangue about how unfair it was. I will not even mention a few of the judges. The record is replete with examples of how poorly they were treated and how unfairly they were treated. We did not have payback time when we were in the majority, and it is not payback time when we are in the minority.

We approved, during the short time that we had control of the Senate, 100

judges—exactly. Three judges have come before this body for a vote. They were approved unanimously.

The situation with Miguel Estrada is a little bit different. It is a little bit different. It is a lot different. It is tremendously different because this is a man about whom speeches have been given all over town. He is so good that he is going to go to the Supreme Court.

It triggered something in the mind of the members of the Judiciary Committee. If that is the case, maybe we should ask him some questions. My dear friend from Utah, from our sister State and neighboring State, had on his desk books—look at all the answers he has given. There are answers, and then there are answers. He didn't answer the questions. That was our concern. He responded to questions, but he didn't answer them.

We believe that what has gone on in the past is not something we want, so in this situation I am able to say here that 2 days ago everything has been said but not everyone has said it. We are in a new phase of this debate. Everything has been said and everybody has said it. So now it is just repeat time. I am going to do a little repeat time.

I know my friend from New York wishes to speak. I will be as quick as I can, but I do want to respond to some of the questions that have been raised in the last bit by my colleagues on the other side of the aisle.

In 1996, Republicans allowed no—zero percent, absolute number zero—circuit court nominees to be confirmed. In 1997, they allowed 7 of just 21 of President Clinton's 21 circuit court nominees, one-third. Only 5 of President Clinton's first 11 circuit nominees that same year were confirmed. In 1998, Republicans allowed 13 of the 23 pending circuit court nominees to be confirmed. That percentage was pretty good—the best year for circuit court nominations and 6.5 years in control of the Senate. In 1999, Republicans backed down to 28 percent and allowed 7 of the 25 circuit court nominees to be confirmed—about 1 of over 4.

Four of President Clinton's first 11 circuit court nominations that year were not confirmed. In 2000, Republicans allowed only 8 of 26, 31 percent. All but one of the circuit court candidates were initially nominated that year without confirmation.

Republicans simply have no standing to complain that 100 percent of President George W. Bush's circuit court nominees have not be confirmed. The recent issue makes it plain. Democrats have been far better to this President than they were to President Clinton.

Under Republicans, as a consequence, the number of vacancies on the circuit courts more than doubled—from 16 in January 1995 to 33 by the time the Senate was reorganized in the summer of 2001. Republicans allowed only 7 circuit court judges to be confirmed per year; on average, we confirmed 17 in just 17 months.

The other thing that I find so interesting is the majority is complaining about the District of Columbia Circuit Court being so understaffed. What they are saying now is that this DC Circuit is so understaffed that we have to do something about this.

As my friend from Utah said to me, make a difference. As I indicated to him about the ABA, I didn't know as much then as I know now about the ABA.

But what I wanted to talk about here is the DC Circuit Court problems. They talked about double standards on that side of the aisle today. Let me give you a couple of examples.

DC Circuit Court nominees Elena Kagan, Allan Snyder, and Merrick Garland. Senator CORNYN remarked that Judge Garland was confirmed in only a few months. Today the Senator repeated that claim using the chart that said Garland waited only 71 days from his nomination to confirmation.

If only that were the case, but all you have to do is talk to Judge Garland and look at the real record. Judge Garland was first nominated in 1995—the year the Republicans took over the Senate—and not allowed to be confirmed until 1997, hardly a few months.

The prior two Republican administrations under President Reagan and George W. Bush appointed 11 judges to the 12-member court. When President Reagan came to Washington, there was a concerted effort to pack this court in particular with activist judges in the hopes of limiting opportunity for citizens to challenge regulations and limiting constitutional power to enforce hard-fought constitutional and statutory rights to protect workers and to protect the environment.

President Reagan, with the help of the Senate, put activist Robert Bork on the DC Circuit. Like Miguel Estrada, Bork was one of the first judges nominated by that President. Shortly after winning Bork's confirmation to the circuit in 1982, President Reagan pushed through the Scalia nomination to the DC Circuit, and Ken Starr the following year.

That is a real lineup. Bork, Starr, Scalia—quite amazing. He named another five conservatives after that for a total of eight appointments to the court alone in his 8 years as President.

The first President Bush took a similarly special interest in the DC Circuit and chose Clarence Thomas to be one of his first dozen nominees. Thomas, who I had the pleasure of voting against when he came before the Senate, was one of two other nominees of the first President Bush. Four of the 11 judges put on the District of Columbia Circuit were later nominated by the Republican Presidents to the Supreme Court.

During the period when Republicans had nominations to that court—when Scalia and Thomas served there—the court, clearly any legal scholar can tell you, began to limit opportunities for individual citizens and judges to represent them. To have standing to challenge Government action.

At the same time, the DC Circuit became less deferential to agency regulations intended to protect consumers and workers. These decisions were praised by Republican activists.

With a Democratic Senate, President Clinton was able to name two moderate judges to this court in order to moderate this bench. However, once Republicans took over, they tried to prevent any more Democratic appointees from getting on this court.

So it is simply incorrect—and I hope not intentionally—to claim that Garland waited only 71 days between his nomination and his confirmation. It was a matter of years, not days—almost 2 years.

Why did he have to wait so long? Once Republicans took over the Senate, they decided to try to prevent President Clinton from filling circuit court vacancies, especially in the DC Circuit. In fact, during their time in the majority, vacancies on the appellate courts more than doubled, to 33, during their 6½ years in control of the Senate.

I believe Republicans decided to prevent President Clinton from bringing any balance to the DC Circuit. As you know, the Republicans had named 11 judges to this powerful 12-member court.

First, when Garland was nominated to the 12th seat, Republicans said the DC Circuit did not need a 12th judge. For example, the distinguished senior Senator from Iowa, Mr. GRASSLEY, said that this judgeship cost $1 million a year and did not need to be filled due to those costs.

Then Senator GRASSLEY said he was relying on the view of a Republican appointee to this court, Judge Silberman. Judge Silberman—you can read about him in a number of different places, including the book ''Blinded by the Right,'' written by Mr. David Brock, where this man, who was an activist for the far right, would meet with this judge, while he was sitting on the bench, walking to his anteroom, and talk about political strategy on how to embarrass Democrats, talk about political strategy, what to do to embarrass the President of the United States and the First Lady of the United States. That is Judge Silberman.

Judge Silberman recently told the Federalist Society that judicial nominees should say nothing in their confirmation hearings—the same advice he gave Scalia when Silberman was in the Reagan White House. And, as you know with Scalia, a nominee's silence on an issue certainly does not guarantee that a nominee does not have deeply held views on an issue.

Yesterday, I went into some detail about my respect for the ability of Judge Scalia to reason. This is a logical man, a brilliant man. But we, for various reasons, knew quite a lot about Scalia. He had written opinions before he went to the Supreme Court. And

even though some of us may not have agreed with his judicial philosophy, no one—no one—can dispute his legal attributes, his legal abilities, his ability to reason and think.

Scalia recently authored a majority opinion for the Supreme Court in favor of the Republican Party of Minnesota that ABA-modeled ethics rules could not prevent a judicial candidate from sharing his views on legal issues. That was Scalia, the person I just bragged about.

While there might have been some ambiguity about how much a judicial candidate could say before that Supreme Court decision last summer, after that decision there is none now, and Mr. Estrada has no ethical basis for refusing to answer the questions that we say he has not answered.

Let's talk about Silberman a little more.

He told Senator GRASSLEY that the addition of another judge on that court would make it ''more difficult'' ''to maintain a coherent stream of decisions.'' Surely he did not mean that the addition of a Democrat appointee to that court filled with Republican appointees would make it more difficult to have unanimous decisions by mostly Republican panels.

My friend Senator GRASSLEY and other Republicans also relied on the views of another Republican appointee, Judge J. Harvie Wilkinson of the Fourth Circuit. I don't know much about Harvie Wilkinson. I don't know if he is giving advice about how to embarrass Democrats in his judicial capacity, which is unethical and against the canons of judicial ethics. But I don't know anything about Harvie Wilkinson, other than what I am going to tell you right now. He said:

> [W]hen there are too many judges . . . there are too many opportunities for Federal intervention.

So this makes me think that the opposition to Garland getting a vote was pretty political.

Well, then look at what happened. Another Republican appointee to the DC Circuit retired, and then the Republicans said the DC Circuit did not need an 11th judge on that court. Garland would have then been the 11th judge instead of the 12th.

So the Republicans came to the floor stating that the declining caseload of the DC Circuit did not warrant the appointment of a Clinton appointee. They argued that 10 judges could handle the 1,625 appeals filed in the then-most-recent year for which statistics were available.

I can only imagine what the Republicans would be saying now if Gore—who got more votes in the last election than did the President—if he had won the Supreme Court case in that election recount. Now, the number of cases filed in the DC Circuit has fallen by another 200 per year, down to 1,400 in 2001, the most recent year for which statistics are available. So under their analysis—that is, the analysis of Silberman and Wilkinson—the DC Circuit would need only 9 judges to handle these cases, not 10 or 11 or 12.

In fact, under their analysis, 8 DC Circuit judges could probably handle the 1,400 appeals if each judge took a few more cases on average—175 rather than 162. In fact, the First Circuit had 1,463 appeals that year, more than the DC Circuit, but they only have 6 judges.

So let me be as clear as I can. I am not saying that the DC Circuit needs only eight judges and that Estrada and Roberts are people for whom they should not have submitted their names. I am simply saying that these were the Republican arguments against confirming Merrick Garland and any other Clinton appointees to that court. Now they are strangely silent on the plummeting caseload of the DC Circuit and whether it is important we spend $1 million per year for each job.

These saviors of the budget—the majority—and they are responsible, along with the President, for the largest deficit in the history of the world, almost $500 billion this year—are not concerned, I guess, about $1 million per year. Because you are talking about four judges or so, and that is only $4 million. And when we have a deficit approaching $500 billion, I guess that is chump change.

After delaying Garland from 1995 to 1997, 23 Republicans still voted against the confirmation of this uncontroversial and well-liked nominee. I think it is important note that, despite Garland's unassailed reputation for fairness, Republicans forced him to wait on the floor all this time—even after he was voted out of committee—11 months on the floor.

Clinton's two other nominees to the DC Circuit were not nearly as fortunate. Elana Kagan and Allen Snyder were never allowed a committee vote or a floor vote. They were held up by anonymous Republicans.

That is worse than what we are doing—absolutely, totally worse. What we are doing is within the rules because you have rules that you can follow. If it is not put out of committee, you have no recourse. If they had brought it to the floor, we could have at least tried to invoke cloture. And that is what the majority can do now.

They did not even give these two qualified people—both of whom graduated first in their class, Harvard—they were never even allowed a committee vote, or certainly not a floor vote. They were held up by anonymous Republicans.

Now, we are not doing anything in the dark of the night. We do not have anonymous holds on Miguel Estrada. We are out here on the floor saying, we want information on him. Until we get it, we are going to vote against this man. And I assume these anonymous holds—I don't know how many it was—one, or two, or three, or four, or five Republicans in the dark of the night preventing a vote.

Now the Republicans want to say it is wrong and unconstitutional to need 60 votes. It is not quite worth a hearty laugh, but it is sure kind of funny for them to say it is unconstitutional. Unconstitutional that we are following the Constitution—article II, section 2, of the Constitution?

Now Republicans want to say it is wrong and unconstitutional to need 60 votes—more than a majority—to end a debate under longstanding Senate rules, but it is not antidemocratic and unfair for Republicans to allow just one member of their own party—maybe two or three—to prevent a vote up or down on a judicial nominee, or at least allow us to file a motion to invoke cloture; that is, when a Democrat was President.

Madam President, I know the Senator from New York is here to speak. Is that true? I will have plenty of opportunity at a subsequent time to speak. But there will be a time when I respond to the statement the junior Senator from Texas made yesterday regarding the Senate's role on confirmations. I look forward to doing that.

I apologize to my friend from New York. She had duty here at 5 o'clock, and I have taken far too much time.

I did want to respond to some statements made when the Senator from New York was not on the floor. I felt it was important that the record be made clear.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, I understand that the Senator from New York wishes to speak. I don't wish to delay her, but in the spirit of going back and forth, I have sought to be recognized. I will not take a great deal of time because I want to be sure the Senator from New York is given the proper opportunity to speak.

Mr. REID. Madam President, because of the graciousness of the Senator from Utah, I ask unanimous consent that following the statement of the Senator from New York, the Senator from Utah be recognized.

Mr. BENNETT. Madam President, I would object because I have the floor.

Mr. REID. I am sorry. I thought you were going to let her speak.

Mr. BENNETT. I do intend to let her speak, but I would like to give my statement first.

Mr. REID. I didn't understand that. Then I ask unanimous consent that the Senator from New York be recognized following the Senator from Utah. I would say to the Senator from Utah, the Senator from New York has been waiting a long time, so in the matter of who has been here the longest, it has been her.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I thank my friend from Nevada. I sit behind him. He may not have noticed how long I was waiting.

I have been interested in this debate. It goes on. As the Senator from Nevada

has said, just about everything that can be said has been said. But at the same time the country is beginning to discover this debate. While everything may have been said on the floor, it seems that not everything has been said out in the country. It is interesting to me that we are getting more and more editorial comment throughout the Nation on this issue.

One that came to my attention just this morning is in this morning's Washington Post. Those who get upset about what they believe is the liberal bias of the newspapers usually do not include the Washington Post among the list of those publications favorable to Republicans. There are columnists in the Washington Post that are considered favorable to Republicans. Mr. Novak comes to mind. But the Post itself is considered to be part of the leftwing media, according to those on talk radio.

So when someone who is part of the establishment of the Washington Post editorial page speaks out on this issue and says something contrary to that which is normally assumed to be the party line of the mainstream media, it is worth noting and commenting on.

In this morning's Washington Post, Benjamin Wittes, a member of the editorial page staff, has an op-ed piece entitled Silence is Honorable.

I would like to quote from it at some length. This is how Mr. Wittes begins:

> Asked whether the Constitution evolves over time, the nominee to the U.S. Court of Appeals for the District of Columbia Circuit told the Senate Judiciary Committee that, while such debates were interesting, ''as an appellate judge, my obligation is to apply precedent.'' Asked whether he favored capital punishment, a nominee said only that the death penalty's constitutionality was ''settled law now'' and that he didn't ''see any way in which [his] views would be inconsistent with the law in this area.''
>
> Miguel Estrada, one of President Bush's nominees to the D.C. Circuit, is facing a filibuster by Democratic senators who claim that his refusal to address their questions at his hearing—combined with the White House's refusal to release his memos from his days at the solicitor general's office—makes him an unreadable sphinx. Yet the careful answers quoted above are not Estrada's. The first was given by Judge Judith Rogers at her hearing in 1994, the second by Judge Merrick Garland the following year. Both were named to the bench by President Clinton. Neither was ever accused of stonewalling the committee. And both were confirmed.
>
> But the rules they are a-changin', and answers barely distinguishable from these are no longer adequate. Asked whether he thought the Constitution contained a right to privacy, Estrada said that ''the Supreme Court has so held and I have no view of any nature whatsoever . . . that would keep me from apply[ing] that case law faithfully.'' Asked whether he believed Roe v. Wade was correctly decided, he declined to answer. While he has personal views on abortion, he said, he had not done the work a judge would do before pronouncing on the subject. Roe ''is there,'' he said. ''It is the law . . . and I will follow it.''
>
> The real difference between Estrada's questioning and that of Garland and Rogers is not that Estrada held back. It is that Garland and Rogers faced nothing like the inquest to which Estrada was subjected. Both, along with Judge David Tatel—the other Clinton appointee now on the court—faced only a brief and friendly hearing.

I would note, outside of the article, that that brief and friendly hearing was under Republican auspices because Republicans controlled the Senate. Back to the article:

> And none was pushed to give personal views on those matters on which his or her sense of propriety induced reticence. To be sure, there was no controversy surrounding the fitness of any of the Clinton nominees, so the situation is not quite parallel. When Garland, a moderate former prosecutor who had recommended the death penalty, said he could apply the law of capital punishment, there was no reason to suspect he might be shielding views that would make him difficult to confirm. By contrast, many Democrats suspect that Estrada's refusal to discuss Roe is intended to conceal his allegedly extremist views. But that only begs the question of why Estrada is controversial in the first place that Democrats think it appropriate to demand that he bare his judicial soul as a condition of even getting a vote.

This is the conclusion of this portion of the op-ed piece:

> Nothing about his record warrants abandoning the respect for a nominee's silence that has long governed lower court nominations.
>
> And silence is the only honorable response to certain questions. It is quite improper for nominees to commit or appear to commit themselves on cases that could come before them.

That is the end of that quote. This is the standard we followed in this body for many years. I will not pretend that members of the Judiciary Committee of both parties in Congress, controlled by both parties, would use the Judiciary Committee, the blue slip process and other patterns of senatorial courtesy to keep people from getting to the bench. That is part of our history. That has always been done. But once a hearing has been held and the committee has voted out a nominee, we have always allowed that nominee to go to a vote. That is the standard that has been established in this body. That is the standard that has been followed by Democrats and Republicans alike. And that is the standard that is being changed in this circumstance.

The Senator from Nevada talked a good bit about the Constitution and questions that have been raised about constitutionality by the Republicans. I would simply point out this obvious fact with respect to the Constitution on this question: The Founding Fathers gave the power to advise and consent in certain executive decisions to the Senate. The Founding Fathers recognized that the power to advise and consent was a very significant one, an unusual one held solely to the Senate. So they outlined those areas where the power to advise and consent would require a supermajority.

The Founding Fathers said: If you are advising and consenting on a treaty, which becomes law when it is ratified, equal to the Constitution, then you have to have a two-thirds majority. If you are amending the Constitution, you have to have a two-thirds majority. These are serious enough matters, with long-term impact, that they must have a two-thirds majority.

They could have said: The advise and consent power always requires a supermajority, but they did not. The Founding Fathers made it very clear those specific areas where a supermajority would be required and then left it to an ordinary majority on the advise and consent power with respect to Presidential nominations. And throughout the entire history of the Republic, we have followed the pattern of a simple majority for the advise and consent power to be exercised by the Senate.

Make no mistake, if the Senate sets the precedent in the Estrada case that the advise and consent power from this time forward requires a supermajority of 60 votes, they are changing forever the pattern of the Senate's relationship to the executive branch in this area. I am not one who says that is unconstitutional. I think it is within the power of the Senate. I disagree with those who are saying it violates the Constitution. I think it violates the intent of the Framers of the Constitution. I think that is very clear. But it is within the power of the Senate to do that if we want.

As I have said before, we on our side of the aisle discussed this when we were faced with those nominees from President Clinton whom we considered controversial. There were those in our conference who insisted that we must do that—change the pattern and require President Clinton's nominees to pass the 60 point bar. To his credit, my senior colleague from Utah argued firmly against that. Even though he was against the nominees in some cases, he said we must not change the historic pattern that says once a nominee is voted out of the committee, he or she gets a clear up-or-down vote by a majority. To his credit, the Republican leader at the time, the majority leader, Senator LOTT, said exactly the same thing: We must not go down that road. Those in our conference who said let's do it on that particular judge agreed and backed down, and no matter how strongly people on this side of the aisle felt about a particular judge, there was never an attempt to use the filibuster power to change what we considered to be the clear intent of the Founding Fathers and change the advise and consent situation, where there was an additional supermajority required, an additional supermajority added to that which the Founding Fathers themselves wrote into the Constitution.

Now the Democrats have decided they are going to do that. It is their right. To me, it signals a determination on their part that they expect to be in the minority for a long time. One of the reasons Senator HATCH gave for us not to do it was, we will have an opportunity in the future to be voting on nominees offered by a President of our

own party, and if we do this to the other party, they will then feel comfortable in doing it to the nominees of our party; let's just not do that.

I think by deciding to do this on this nominee, the Democrats have virtually conceded the fact that they do not expect another Democratic President for long time. They believe they will be in the minority for a long time and, therefore, they must establish this weapon as one of the weapons they will use as part of the minority to obstruct the activities in the Senate for a long time to come.

I hope they decide ultimately to bet on the future. I hope they decide ultimately they do expect that there will be a Democratic President sometime in the future, that they do expect there will be a Democratic Senate sometime in the future and they want to save for the future the right that every President, Democrat or Republican, and every Senate, Democrat or Republican, has maintained since the founding of the Republic 2½ centuries ago.

Madam President, if I may go back to the article written by Benjamin Wittes in this morning's Washington Post that summarizes the implications of going in this direction and what it will do long term, he says:

> Not knowing what sort of judge someone will be is frustrating, but that is the price of judicial independence. While it would be nice to know how nominees think and what they believe and feel, the price of asking is too high. The question, rather, is whether a nominee will follow the law. Estrada has said that he will. Those who don't believe him are duty bound to vote against him, but they should not oblige nominees to break the silence that independence requires.

That is what our friends on the Democratic side are doing. They have never demanded it before. We did not demand it of their nominees. They are changing the rules—''the rules they are a'changing,'' as Mr. Wittes points out. I ask my friends on the Democratic side to think long and hard about the long-term consequences of changing the rules—changing the rules, as Mr. Wittes talks about it, in terms of what is demanded of nominees; changing the rules as we are talking about it here in terms of the supermajority that would be added to the existing constitutional requirement of the Senate as it performs its role in advising and consenting to executive nominations.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Madam President, I thank the Senator from Utah for his kindness and consideration with respect to the order. I was happy to have the opportunity to hear him, as I often am.

With respect to the arguments that have been made in the last hour or so, I think it is clear that there is a fundamental difference of opinion regarding the Senate's obligation and duty under the advise and consent clause of the U.S. Constitution.

Mr. DORGAN. Will the Senator yield for a unanimous consent request?

Mrs. CLINTON. Yes.

Mr. DORGAN. I ask unanimous consent that I may speak following the speech of the Senator from New York.

Mr. BENNETT. I object. There is a Republican speaker coming. I would amend the UC request to say that Senator TALENT, if he is on the floor, be recognized first, and then Senator DORGAN be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, I have not followed the order on the floor of the Senate today. I don't know whether the Senator from Utah has. I was told I would be recognized at 5:30 and was prepared to do that. If there has been a process today in which Republicans and Democrats follow each other precisely, then I will understand what the Senator from Utah is trying to do. If not, I am here. The reason I am here is to present remarks following the Senator from New York. If others wish to be involved in the lineup, I will be happy to entertain that. I guess I don't understand the circumstance under which the Senator from Utah is opposing this.

Mr. BENNETT. I am not sure what the circumstance was prior to my coming to the floor either. I was told we were going back and forth. If I might inquire as to how much time the Senator would use, perhaps there would be no problem.

Mr. DORGAN. It was my intention to consume an hour, but I will not do that; it will be a half hour. I would certainly be accommodating to anybody else. I would like to speak, and others are not here. I don't intend to interrupt. If there is an order established, I do not want to interrupt that. I don't know that to be the case.

Mr. BENNETT. I don't know that to be the case all day long. I do know that was the case earlier. Reserving the right for my friend who is anticipating to be here at 6, and was told in advance he could be here at 6, I renew my unanimous consent request that following the Senator from New York, the Senator from Missouri, Mr. TALENT, would be recognized to speak, after which the Senator from North Dakota, Mr. DORGAN, would be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object—and I will now object—if the other side wishes to protect people who are not here in deference to those who are here, I expect the Senator from Utah would want us to do the same thing on this side of the aisle. If a Republican is waiting to speak, and a Democrat is not yet on the floor, but someone here says it is really the opportunity for the Democrats to speak even if the Republican is here, we will object. So I guess I understand the point the Senator from Utah is making. I will not object to his request as long as he understands that we will do that, I suppose. I don't think it is the most efficient way of handling things. Those who are on the floor and prepared to speak, I expect that is the way we ought to recognize people.

Mr. BENNETT. I thank my friend for his consideration. I say to him he caught me at somewhat of a disadvantage in that I am the only one on the floor and didn't know what was going on. I am trying to accommodate people on both sides, which is why I want to make sure the Senator from North Dakota is recognized to speak.

Mr. DORGAN. Madam President, continuing to reserve the right to object, if this is the process, I will simply at some appropriate point ask for a time certain to speak tomorrow and will be here promptly at that time. I am here now and those who the Senator from Utah is attempting to protect are not here. I will not object because I do not want to interrupt an order apparently they think on that side exists. If that, in fact, is the order, we will certainly make sure that is the case for people on both sides of the aisle as we proceed.

Mr. BENNETT. I would expect the Democratic leader to be sure of enforcing the same process on behalf of Senators on his side of the aisle.

Mr. DORGAN. Madam President, I do not think that is the most efficient use of time in the Senate. It seems to me those who are here want to be recognized to proceed. Recognizing it is not the most efficient use of time, I will not object to the request by the Senator from Utah.

Mr. BENNETT. I thank my friend.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

Mrs. CLINTON. I thank the Chair. Madam President, I have been, as I said, listening with great interest to the debate on this issue. It is a very significant and important debate. As I often do when I come to the Chamber, I imagine, instead of being a Senator with the great honor of representing the State of New York and speaking in this Chamber, that I am just another citizen, as I have been most of my life, watching the debate on C–SPAN or one of the other television networks that might cover parts of it, and I would be asking myself: What is this all about? Why has so much time been consumed in the Senate over this one nominee?

The bottom line answer is that this side of the aisle has a very deep concern about any candidate seeking a lifetime position who refuses to answer the most basic questions about his judicial philosophy. And that, in fact, to permit such a candidate to be confirmed without being required to answer those questions is, in our view, a fundamental denial and repudiation of our basic responsibilities under the advice and consent clause of article II, section 2, of the U.S. Constitution.

Earlier this afternoon, as I was waiting for my opportunity to speak, I heard the Senator from Idaho admit that he had, based on philosophy, voted against certain nominees who had been sent to the Senate by President Clinton. I happen to think that is a totally

legitimate reason to vote for or against a nominee. I happened to agree with the Senator from Idaho when he said he voted against nominees by President Clinton based on philosophy. That is an integral part of the advise and consent obligation.

The problem that we have on this side of the aisle is we cannot exercise the advise and consent obligation because we do not get any answers to make a determination for or against this nominee based on philosophy. I could not have done a better job than the Senator from Idaho did in summing up what the problem is. I thank the Senator from Idaho for being candid, for saying he voted against President Clinton's nominees based on philosophy.

We could resolve this very easily if the nominee would actually answer some questions, legitimate questions that would permit those of us who have to make this important decision and are not just saluting and following orders from the other end of Pennsylvania Avenue, by being able to look into the philosophy and then deciding: Are we for this nominee or are we against this nominee?

This nomination would also be expedited if the President and his legal counsel would respond to the letter of February 11 sent to the President by the minority leader and the distinguished ranking member of the Judiciary Committee asking for additional information on which to make a decision concerning this nominee, and, in fact, both Senators Daschle and Leahy are very explicit about what information is required. I will reiterate the request. Specifically, they asked the President to instruct the Department of Justice to accommodate the request for documents immediately so that the hearing process can be completed and the Senate can have a more complete record on which to consider this nomination and, second, that Mr. Estrada answer the questions he refused to answer during the Judiciary Committee hearing to allow for a credible review of his judicial philosophy and legal views.

I would argue, we are not changing the rules. In fact, we are following the rules and the Constitution, and we are certainly doing what the Senator from Idaho said very candidly he did with respect to President Clinton's nominees. We are trying to determine the judicial philosophy of this nominee in order to exercise our advise and consent obligation.

I have also been interested in my friends on the other side of the aisle talking and reading from newspapers and asserting that we are somehow requesting more information from this nominee than from other nominees and that, in fact, it is honorable not to answer relevant questions from Judiciary Committee members. It may be honorable by someone's definition of honor, but it is not constitutional. It is fundamentally against the Constitution to refuse to answer the questions posed by a Judiciary Committee member.

If there were any doubt about this standard, all doubt was removed last year. How was it removed? It was removed in a Supreme Court opinion rendered by Justice Scalia arising out of a case brought by the Republican Party concerning the views of judges.

For the record, I think it is important we understand this because perhaps some of my colleagues have not been informed or guided by the latest Supreme Court decisions on this issue, but I think they are not only relevant, they are controlling, to a certain extent, when we consider how we are supposed to judge judges.

Republicans focus on the ABA model code that judicial candidates should not make pledges on how they will rule or make statements that appear to commit them on controversies or issues before the court. They are, understandably, using this as some kind of new threshold set by Mr. Estrada who refused to answer even the most basic questions about judicial philosophy or his view of legal decisions.

Some judicial candidates, it is true, go through with very little inquiry. They come before the Judiciary Committee. They are considered mainstream, noncontroversial judges. Frankly, the Senators do not have much to ask them. They go through the committee. They come to the floor. That is as it should be. Were it possible, that is the kind of judge that should be nominated—people whose credentials, background, experience, temperament, and philosophy is right smack in the center of where Americans are and where the Constitution is when it comes to important issues. When someone does not answer questions or when they are evasive, it takes longer and you keep asking and you ask again and again. That was, unfortunately, the case with this particular nominee.

The Republican Party sued the State of Minnesota to ensure their candidates for judicial office could give their views on legal issues without violating judicial ethics. Republicans took that case all the way to the Supreme Court. In an opinion by Justice Scalia, the Supreme Court ruled that the ethics code did not prevent candidates for judicial office from expressing their views on cases or legal issues. In fact, Justice Scalia said anyone coming to a judgeship is bound to have opinions about legal issues and the law, and there is nothing improper about expressing them.

Of course, we do not and should not expect a candidate to pledge that he is always going to rule a certain way. We would not expect a candidate, even if he agreed that the death penalty was constitutional, to say: I will always uphold it, no matter what. That would be an abuse of the judicial function and discretion.

Specifically, in Republican Party of Minnesota v. White, the Supreme Court overruled ABA model restrictions against candidates for elective judicial office from indicating their views. I think the reasoning is applicable to those who are nominated and confirmed by this body for important judicial positions within the Federal judiciary.

Justice Scalia explained in the majority opinion, even if it were possible to select judges who do not have preconceived views on legal issues it would hardly be desirable to do so.

I want my friends on the other side to hear the words of one of the two favorite Justices of the current President, Justice Scalia: Even if it were possible, it would not be desirable.

Why? Because, clearly, we need to know what the judicial philosophy is. Judges owe that to the electorate, if they are elected; to the Senate if they are appointed.

Justice Scalia goes on: Proof that a justice's mind at the time he joined the court was a complete tabula rasa in the area of constitutional adjudication would be evidence of lack of qualification, not lack of bias. And since avoiding judicial preconceptions on legal issues is neither possible nor desirable, pretending otherwise by attempting to preserve the appearance of that type of impartiality can hardly be a compelling State interest, either. In fact, that is Justice Scalia quoting Justice Rehnquist.

Before this decision, some judicial candidates may have thought—and some of my colleagues may have thought—that judicial candidates could not share their views on legal issues, and I think that might have been a fair assessment of the state of the law at that time. But that is no longer a fair assessment.

A judicial candidate cannot be compelled to share his views, but Justice Scalia tells us that a judicial candidate who does not share his views refuses to do so at his own peril, and that is exactly what this nominee has done. At his own peril, he has gotten his marching orders from the other end of Pennsylvania Avenue, from all those who advise judicial nominees, from the Federalist Society and all the rest of those organizations, not to answer any questions, to dodge all of the issues, to pretend not to have an opinion about any Supreme Court case going back to Marbury v. Madison.

Well, he does so, in Justice Scalia's words, at his peril. That is what has brought this nomination to this floor for all these days, because this nominee wants to be a stealth nominee. He wants to be a nominee who is not held accountable for his views so that we who are charged under the Constitution to make this important judgment cannot do so based on his judicial philosophy.

Justice Scalia has a lot to say to my friends on the other side. If it were possible to become a Federal judge, with lifetime tenure, on the second highest court of the land, without ever saying

anything about your judicial philosophy, I think that would be astonishing. It would be troubling. It would run counter to the Constitution and to this opinion written by one of the most conservative members of the current Court.

Mr. Estrada basically has come before this Senate and claimed he cannot give his view of any Supreme Court case without reading the briefs, listening to the oral argument, conferring with colleagues, doing independent legal research, and on and on. That is just a dressed up way of saying: I am not going to tell you my views, under any circumstances.

One has to ask himself—and I do not want to be of a suspicious mindset—why will this nominee not share his views? Are they so radical, are they so outside the mainstream of American judicial thought, that if he were to share his views, even my friends on the other side would say wait a minute, that is a bridge too far; we cannot confirm someone who believes that?

How can I go home and tell my constituents that I voted for somebody who actually said what he said? I cannot think of any other explanation. Why would a person, who clearly is intelligent—we have heard that constantly from the other side—who has practiced law, not be familiar with the procedures of the Judiciary Committee, of the constitutional obligation of advise and consent or even of Justice Scalia and Justice Rehnquist's opinions about the importance of answering such questions?

So I have to ask myself: What is it the White House knows about this nominee they do not want us to know? And if they do not want us to know, they do not want the American people to know. I find that very troubling.

I do not agree with the judicial philosophy of many of the nominees sent up by this White House. I voted against a couple of them. I voted for the vast majority of them, somewhere up in the 90 percentile. At least I felt I could fulfill my obligation so when I went back to New York and saw my constituents and they asked why did I vote for X, I could say to them it was based on the record. He may not be my cup of judicial tea, but he seems like a pretty straightforward person. Here is what he said and that is why I voted for him. Or to the contrary, I could not vote for this nominee because of the record that was presented.

I cannot do that with this particular nominee. And you know what. The other end of Pennsylvania Avenue that is calling the shots on this nomination does not want me to have that information.

I think that is a denial of the basic bargain that exists under the Constitution when it comes to nominating and confirming judges to the Federal courts.

It could have been different. The Founders could have said let's put all of this into the jurisdiction of the Executive; let him name whoever he wants. Or they could have said: No, let's put it in the jurisdiction of the legislature; let them name whoever they want. Instead, as is the genius of our Founders and of our Constitution, there was a tremendous bargain that was struck, rooted in the balance of power that has kept this Nation going through all of our trials and tribulations, all of our progress, that balance of power which said we do not want this power to rest in any one branch of Government; we want it shared. We want people to respect each other across the executive and legislative lines when it comes to the third branch of Government.

So, OK, Mr. President, you nominate. OK, Senators, you advise and consent. That is what this is about.

Sometimes I wonder, as my friends on the other side talk about it, how they can so cavalierly give up that constitutional obligation. The unfortunate aspect of this is we could resolve this very easily. All the White House has to do is send up the information. Let Mr. Estrada answer the questions. He may still have a majority of Senators who would vote to put him on the DC Circuit. I do not know how it would turn out because I do not have the information.

While we are in this stalemate caused by the other end of Pennsylvania Avenue, which for reasons that escape me have dug in their heels and said, no, they will not tell us anything about this person, there is a lot of other business that is not being done, business about the economy, the environment, education and health care, business that really does affect the lives of a lot of Americans.

On that list of business that I consider important is what is happening in our foster care system. Tomorrow evening, I will have the great privilege of hosting the showing of a tremendous movie about the foster care system, along with Congressman TOM DELAY. I invite all of my colleagues from both Houses of Congress to come and see this movie that vividly illustrates what happens in our foster care system.

I have worked in the past with Congressman DELAY to try to improve the foster care system. I look forward to doing that in the future. He has a great commitment to the foster care system and the foster children who are trapped within it. I use that word with great meaning because, indeed, that is often what happens to them. And the stories of abuse and neglect that first lead children to go into the foster care system are compounded by the stories of abuse and neglect once they are in that system.

Mr. Fisher will be joining Congressman DELAY and me at the Motion Picture Association screening room for this important movie. This is a screening just for Members of Congress. I think it will illustrate better than certainly my words could why it is so important we join hands and work on this issue along with many others who affect the lives of children as well as men and women across America.

Occasionally, a movie comes to the screen that brings to life the stories that have become routine in the newspapers and that we too often ignore—the stories of children living with abuse and neglect, shuffled in and out of our foster care system, often with little guidance from or connection to any one adult. Too often these stories end in the most tragic way possible:

7-year-old Faheem Williams in Newark, NJ was recently found dead in a basement with his two brothers where they were chained for weeks at a time.

6-year-old Alma Manjarrez in Chicago was beaten by her mother's boyfriend and left to die outside in the snow and cold of the winter.

And despite 27 visits by law enforcement to investigate violence, 7-year-old Ray Ferguson from Los Angeles was recently killed in the crossfire of a gun battle in his neighborhood.

Antwone Fisher's story is different.

Mr. Fisher overcame tremendous odds: He was born in prison, handed over to the State, and lived to tell his story of heartbreaking abuse. At the age of 18, he left foster care for the streets. With nowhere to turn, he found the support, education, and structure in the U.S. Navy. In the Navy, Fisher received a mentor and professional counselor, which helped him turn his life around.

Mr. Fisher survived his childhood and has lived to inspire us all and send us a stern reminder that it is our duty to reform the foster care system so that no child languishes in the system, left to find his own survival or to die. Antwone's success story should be the rule not the exception.

Tomorrow night, House Majority Leader TOM DELAY and I will be cohosting a screening of the movie ''Antwone Fisher'' for Members of Congress. We decided to host this together because we both feel that it is imperative that we raise national awareness about foster care—through one child's own experience—and encourage our colleagues to tackle this tough issue with us.

Congressman DELAY and I had received an award together in the year 2000 from the Orphan Foundation of America for the work that we both have done in this area. Earlier this year, I asked my staff to reach out to his staff to find ways we might work together to focus on this issue. This movie was a natural fit for both of us and I look forward to continuing to work with Representative DELAY as we take a hard look at reforming our foster care system. Congressman DELAY and his wife, Christine, are strong advocates for foster children and are foster parents themselves.

I hope that many of my colleagues in the Senate will take us up on the invitation and join us for this important movie.

But, for those who can't join us, I wanted to share a little bit about Antwone's story in his own words from his book, ''Finding Fish''—

The first recorded mention of me and my life was [from the Ohio State child welfare records]: Ward No. 13544.

Acceptance: Acceptance for the temporary care of Baby boy Fisher was signed by Dr. Nesi of the Ohio Revised Code.

Cause: Referred by division of Child Welfare on 8–3–59. Child is illegitimate; paternity not established. The mother, a minor is unable to plan for the child. The report when on to detail the otherwise uneventful matter of my birth in a prison hospital facility and my first week of life in a Cleveland orphanage before my placement in the foster care home of Mrs. Nellie Strange.

According to the careful notes made by the second of what would be a total of thirteen caseworkers to document my childhood, the board rate for my feeding and care cost the state $2.20 per day.

Antwone went on to document that the child welfare caseworker felt that his first foster mother had become ''too attached'' to him and insisted that he be given up to another foster home. The caseworker documents this change:

Foster mother's friend brought Antwone in from their car. Also her little adopted son came into the agency lobby with Antwone. . . . They arrived at the door to the lobby and the friend and the older child quickly slipped back out the door. When Antwone realized that he was alone with the caseworker, he let out a lust yell and attempted to follow them.

Caseworker picked him up and brought him in. Child cried until completely exhausted and finally leaned back against caseworkers, because he was completely unable to cry anymore.

Later he describes when the caseworker brought him to his next foster home—she too slipped out the door when he was not looking. He says, ''All through my case files, everybody always seemed to be slipping away in one sense or another.''

When Antwone arrived at the next foster home and as he grew, at first he was not told of his troubled entry into the world:

But for all that I didn't know and wasn't told about who I was, a feeling of being unwanted and not belonging had been planted in me from a time that came before my memory.

And it wasn't long before I came to the absolute conclusion that I was an uninvited quest. It was my hardest, earliest truth that to be legitimate, you had to be invited to be on this earth by two people—a man and a woman who loved each other. Each had to agree to invite you. A mother and a father.

Antwone Fisher never knew a permanent home—never knew a loving mother and father. Instead, he was left to fend for himself when he was expelled from foster care at 18—a time when the state cuts off payments to foster parents. Antwone found himself on the streets and homeless.

Thanks to the work of many on both sides of the aisle in Congress we have begun important work to make sure that Antwone's story is not repeated. No child should have to grow up in foster care from birth and never be adopted and no child should ever have to leave the system at 18, with absolutely no support.

There are approximately 542,000 children in our Nation's foster care system—16,000 of these young people leave the system every year having never been adopted. They enter adulthood the way they lived their lives, alone.

In 1999, when I was First Lady, I advocated for and Congress took an important step to help these young adults by passing the Chafee Foster Care Independence Act. This program provides states with funds to give young people assistance with housing, health care, and education. It is funded at $410 million annually, and should be increased. But it was an important start to addressing the population of children who ''age-out'' of our foster care system.

This bill came after the important bipartisan Adoption and Safe Families Act of 1997. As First Lady, it was an honor to work on what's considered to be one of the most sweeping changes in federal child welfare law since 1980.

It ensured that a child's safety is paramount in all decisions about a child's placements. For those children who cannot return home to their parents, they may be adopted or placed into another permanent home quickly. Since the passage of this law, foster child adoptions have increased by 78 percent.

The next major hurdle that I believe we need to tackle in reforming our child welfare system is the financing system.

Currently, we spend approximately $7 billion annually to protect children from abuse and neglect, to place children in foster care, and to provide adoption assistance. The bulk of this funding, which was approximately $5 billion in fiscal year 2001, flows to States as reimbursements for low-income children taken into foster care when there is a judicial finding that continuation in their home is not safe.

This funding provides for payments to foster families to care for foster children, as well as training and administrative costs.

This funding provides a critical safety net for children, who through difficult and tragic circumstances end up in the care of the state. It ensures that children are placed in foster care only when it is necessary for their safety, it ensures that efforts are made to reunify children with their families as soon as it safe, it works to make sure that the foster care placement is close to their own home and school, and it requires that a permanency plan is put in place. All of these safeguards are critical.

The financing, however, is focused on the time the child is in foster care and it continues to provide funding for States the longer and longer a child is in the system. The funding is not flexible enough to allow for prevention or to help children as they exit the system—critical times when children fall through the cracks.

President Bush has put a proposal on the table to change the way foster care is financed in order to provide greater flexibility so that states can do more to prevent children form entering foster care, to shorten the time spent in care, and to provide more assistance to children and their families after leaving.

While I absolutely do not support block granting our child welfare system—I do think that it is important that President Bush has come to the table with an alternative financing system and I believe that it provides us with an opportunity to carefully consider how to restructure our child welfare system.

We must ask critical questions:

Will States be required to maintain child safety protection that we passed as part of the Adoption and Safe Families Act?

Will States be required to target funds to prevention and post-foster care services?

What happens if there is a crisis and more foster care children enter the system? Will States receive additional funds?

While I believe all of these questions deserve answers, I applaud President Bush and Representative DELAY for being willing to tackle this hard problem. I look forward to working with them to find solutions so that we do not allow any child to fall through the cracks.

This is just one of the many issues that are basically left on the back burner while we engage in this constitutional debate that could be resolved if information were provided.

As I said, I have to question the reasons why that information is not forthcoming. It gives me pause. This administration is compiling quite a record on secrecy. That bothers me. It concerns me. I think the American people are smart enough and mature enough to take whatever information there is about whatever is happening in the world—whether it is threats we may face or the judicial philosophy of a nominee. That is how a democracy is supposed to work. If we lose our openness, if we turn over our rights to have information, we are on a slippery slope to lose our democracy. Now, of course, in times of national crisis and threat like we face now, there are some things you cannot share with everyone. But you certainly can and should share them with the people's elected representatives. That is why we are here. I err on the side of trying to make sure we share as much information as possible.

For the life of me, I cannot understand why the White House will not share information about this nominee. Until it does, until Mr. Estrada is willing to answer these questions, I have to stand with my colleague from Idaho—I cannot cast a vote until I know a little bit more about the judicial philosophy. This is not a Republican or Democratic request. This is a senatorial request.

This is what the Senate is supposed to be doing.

I urge our colleagues and friends on the other side of the aisle, do whatever you can to persuade the White House and the Justice Department to level with the Senate, to level with the American people, to provide the information that will enable us to make an informed decision and fulfill our constitutional responsibility.

It seems to me to be the very minimum we can ask. It certainly is what has been provided and asked for in the past. I hope it will be forthcoming, that the letter sent by Senators DASCHLE and LEAHY will get a favorable response, we will be able to get the information the Judiciary Committee has requested, that many Members feel we need, and we can move on. We can tend to the people's business, including the need to reform our foster care system to try to save the lives of so many children who would otherwise be left behind and left out of the great promise of America.

The PRESIDING OFFICER (Mr. ALEXANDER.) The Senator from Missouri.

Mr. TALENT. When I was growing up, there was a tradition in the Senate that I observed as an outsider, of course, about how the Senate handled its constitutional function of giving advice and consent for presidential nominees. The Senate pretty much understood on the basis of a bipartisan consensus that its role was secondary, that its power was a check rather than a primary power to appoint people, either to the executive branch or to the judicial branch. I observed that Senators pretty much voted to confirm Presidential nominees if they believed those nominees were competent and if they believed those nominees were honest, and they did not inquire too greatly of the nominees' philosophy for the executive or into the nominees' jurisprudence for the legislative. There would be flaps or personal problems, but basically that was the role the Senate played and the traditional understanding of its constitutional function.

Unfortunately, I think we will all agree, that consensus has broken down over the last few years. We will all agree that both sides have some responsibility for that consensus breaking down. What we are experiencing now from the Senators who are opposing and filibustering the Estrada nomination is so extreme given the past traditions of the Senate that it threatens the spirit and, I argue, even the letter of the Constitution, and it threatens the ability of the Senate and the integrity of the Senate to do the work of the people.

Let me go into that a little bit. First of all, I take it from my understanding of the debate that the Senators who are opposing Mr. Estrada are not questioning his abilities as a lawyer or his honesty or integrity as an individual. I appreciate that. This is not a personal attack on Mr. Estrada. No one is saying he is unqualified as a lawyer. No one is saying he is dishonest in terms of his professional dealings or dishonest as a man and, indeed, you could not say that based on his experience which is clearly well known after the hours of debate we have put into this nomination.

He arrived in this country knowing very little English. He worked his way up, if you will. He was a leader in his law school class. He was on the Law Review. An achievement he was able to get, as not all of us were able to get, he clerked for an outstanding judge, a Democratic appointee on the Second Circuit, and then on the Supreme Court, and did an outstanding job in the Solicitor General's Office, according to his supervisors of both parties.

No one is questioning his abilities or honesty, as I understand it. As I understand, no one is saying they think he is not competent or honest in the sense of the standard that traditionally had been applied. What they are saying is this. They are saying, first of all, they will vote against the nominee, even to an appellate court, because they disagree with that nominee's jurisprudence, which is, itself, a step beyond what the Senate ever did in the past. But they are going beyond that. They are saying they will vote against the nominee, even to an appellate court, not just because they disagree with his jurisprudence, but because they suspect they might disagree with his jurisprudence.

And if he answered questions no other nominee who worked for the Solicitor General's Office has ever been expected to answer, and which they should not have to answer, given the need for the integrity of the executive branch, but they are going beyond that.

The opponents on this floor of the Estrada nomination are not just saying they will vote against nominees if they disagree with their jurisprudence, or vote against them if they suspect they might disagree with their jurisprudence; they are saying they are not even going to allow a vote on a nominee even to an appellate court if they suspect they might disagree with that nominee's jurisprudence.

I ask my colleagues, I beg my colleagues who are opposing this nomination, to consider what this new standard, if it were to be adopted by the Senate as a whole, would mean for the Constitution, would mean for the Senate, and would mean for Estrada, as well.

As I said, the Constitution assigned, we can all agree, the primary power of appointment to the President. Yet the Constitution shares some of that power with the Senate and that is not unusual. Even though we have a separation of powers, there are a number of instances where the executive is given a little legislative power, or the legislative is given a little executive power. For example, when the President is given the power to negotiate treaties and conclude them with foreign countries but subject to the requirement that two-thirds of the Senate ratify those treaties. So the Senate is given, in effect, a little executive power.

The Framers of the Constitution knew how to provide for the Senate to exercise the executive power they gave it by a supermajority vote when they wanted to provide that.

When the Framers said, we want to actually take a little bit more power away from the President, they said, we are not only going to require that the Senate ratify treaties but we are going to require that they ratify them by a supermajority vote, a two-thirds vote. The Framers knew how do to that when they wanted to do it. The assumption is they didn't want to take that extra measure of power away from the executive. Yes, they wanted to share the power of appointments with the Senate, as several colleagues have said. They are correct in saying that. The Senate is a partner in this process. But according to its traditions, it has always been a junior partner. According to the spirit of the Constitution, it exercises this partnership by a majority vote and not a supermajority vote.

If we adopt the tradition in this body that we will filibuster nominees, if we suspect we might disagree with their jurisprudence, we are in effect saying it will require 60 votes for this body to confirm a judicial nomination. That, I submit to you, is a usurpation of the executive authority as granted under the Constitution. It is a shift in constitutional authority away from the executive and to the legislature—and not even to the Congress as a whole but to the Senate.

As much as I stand up for the Senator from New York in saying as much as we have to stand up for the prerogatives and the authority of the Senate under the Constitution, our first responsibility is to the Constitution and to the distribution of powers, as the letter of the Constitution indicates and as the traditions of this Senate have always confirmed.

I am deeply concerned. If we were to adopt the standards being applied here to Miguel Estrada across the board, we would be doing something which is unconstitutional and which violates the spirit and I believe the letter of the Constitution as well.

My second concern is that this kind of a filibuster under these circumstances will poison the operation of the Senate on other matters. The filibuster, whatever you think of it, is a power that should be reserved for issues of only the greatest seriousness. I am not saying an appellate court nomination isn't important, it is important, but it is an appellate court nomination. Mr. Estrada, if he is confirmed to this post, whatever my colleagues may suspect his jurisprudence might lead him to do, is not going to change settled interpretations of the Constitution of the United States that can only occur on the Supreme Court level. And to haul out the nuclear

weapon, if you will, of a filibuster on an issue that, while important, is not of the first letter of importance undermines the integrity and the ability of this Senate to pull together on issues that are of the first importance.

I agree with the Senator from New York. We need to get on to issues of health care. We need to get on to issues of education. We need to get on to issues of defense and of tax relief to create jobs. All of these things are very important. That is why we should not filibuster an appellate court nomination. Allow a vote at least, I ask my colleagues.

Let me say finally that I am concerned about the effect of this on the justice that we as a body and as Americans owe to the man whose interests and whose career are at stake here. Miguel Estrada is, after all, a person. Sometimes the great forces of history, of cultural division, and focus on personal disputes involving broader issues come to focus on one man or one woman. We have seen that happen sometimes in our history. And it may be unavoidable. But we should always keep in mind that we are dealing with a human being, a person who has done his best by his life to keep his obligations to his colleagues and to his country—a person who has excelled by any standard. None is questioning that—a person who has conducted himself with integrity and has done so in a town where it is sometimes difficult to conduct yourself with integrity. And his professional future is hanging, if you will, on a thread. We ought to consider what is just to him. He deserves this post. He has worked hard for it. His qualifications qualify him for the post. We should at least give him a vote.

That is why the newspapers and the opinion of this country for the last week or so have been decidedly in favor, if not of Mr. Estrada and I think most of the opinion of the country has indeed be in favor of confirming him for the reasons I have indicated—but at least in favor of giving him a vote.

I am not going to read all of the editorials, certainly. I ask unanimous consent to have printed in the RECORD an editorial of February 7, 2003, from the St. Louis Post-Dispatch, one my hometown newspapers, and also a letter—they may already be in the RECORD—and one in the New York Daily News by Gov. George Pataki.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Daily News, Feb. 17, 2003]

THE SENATE SHOULD CONFIRM ESTRADA

(By Gov. George E. Pataki)

Miguel Estrada, President Bush's nominee for the District of Columbia Circuit Court of Appeals, is a New York success story—the embodiment of all that has made our state a beacon of freedom and opportunity around the globe.

His life is an inspiration to us all, especially to the children of new immigrants. Yet his nomination has gotten caught up in the all-too-familiar Washington game of partisan politics. That's wrong. When the Senate returns from its break, it should act quickly to end this senseless bickering.

Born in Tegucigalpa, Honduras, Estrada came to the U.S. in 1978. Just 17, he could barely speak English. He proved to be a quick study. Just five years later, he graduated with honors from Columbia University.

After a three-year stint at Harvard Law School, where he served as editor of the prestigious Harvard Law Review, Estrada came home to New York to clerk for a federal appellate judge, Amalya Kearse, who was appointed by Democratic President Jimmy Carter.

After a clerkship with the Supreme Court—one of the highest honors a young lawyer can receive—Estrada spent three years as a federal prosecutor in New York City. He argued numerous cases before appellate courts and 15 cases before the Supreme Court. No wonder the American Bar Association gave him its highest rating: well-qualified.

Estrada's compelling life story and superlative qualifications explain why his nomination has elicited such broad support. No fewer than 18 Hispanic organizations and countless individuals have called on the Senate to confirm him. Herman Badillo, a former Democratic congressman from New York, calls him ''a role model, not just for Hispanics, but for all immigrants and their children.''

The League of United Latin American Citizens calls Estrada ''one of the rising stars in the Hispanic community and a role model for our youth.'' And the U.S. Hispanic Chamber of Commerce calls his nomination a ''historic event.''

Estrada's nomination is equally popular among Democrats. Former vice President Al Gore's chief of staff testifies that he is ''a person of outstanding character and tremendous intellect'' with an ''incredible record of achievement.'' Former President Bill Clinton's solicitor general describes Estrada as ''a model of professionalism and competence.''

The support for Estrada is as deep as it is wide. Yet some Democrats in the Senate are filibustering his nomination—talking it to death and refusing to let their colleagues vote. That's just wrong. In fact, in the two centuries since our nation was founded, that has never happened to a nominee for the federal appellate courts.

Simply put, the Senate should do its job, put aside partisan politics and vote on Estrada's nomination. It's just common sense—but unfortunately, common sense all too often gets shoved aside by party politics in Washington.

Here in New York, we know that now more than ever we must put aside partisan differences and work together for the best interests of all New Yorkers. We also know that the efforts of new immigrants or their children who, through hard work, achieved the American dream—New Yorkers like Badillo, Secretary of State Powell and Estrada—must be rewarded and emulated, not held hostage to party politics.

Estrada has reached the pinnacle of his profession and is a credit to the people of New York. When the Senate finally confirms him, I have every confidence he likewise will prove a credit to America's judicial system.

[From the Washington Post, Feb. 18, 2003]

JUST VOTE

The Senate has recessed without voting on the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit. Because of a Democratic filibuster, it spent much of the week debating Mr. Estrada, and, at least for now, enough Democrats are holding together to prevent the full Senate from acting. The arguments against Mr. Estrada's confirmation range from the unpersuasive to the offensive. He lacks judicial experience, his critics say—though only three current members of the court had been judges before their nominations. He is too young—though he is about the same age as Judge Harry T. Edwards was when he was appointed and several years older than Kenneth W. Starr was when he was nominated. Mr. Estrada stonewalled the Judiciary Committee by refusing to answer questions—though his answers were similar in nature to those of previous nominees, including many nominated by Democratic presidents. The administration refused to turn over his Justice Department memos—though no reasonable Congress ought to be seeking such materials, as a letter from all living former solicitors general attests. He is not a real Hispanic and, by the way, he was nominated only *because* he is Hispanic—two arguments as repugnant as they are incoherent. Underlying it all is the fact that Democrats don't want to put a conservative on the court.

Laurence H. Silberman, a senior judge on the court to which Mr. Estrada aspires to serve, recently observed that under the current standards being applied by the Senate, not one of his colleagues could predictably secure confirmation. He's right. To be sure, Republicans missed few opportunities to play politics with President Clinton's nominees. But the Estrada filibuster is a step beyond even those deplorable games. For Democrats demand, as a condition of a vote, answers to questions that no nominee should be forced to address—and that nominees have not previously been forced to address. If Mr. Estrada cannot get a vote, there will be no reason for Republicans to allow the next David S. Tatel—a distinguished liberal member of the court—to get one when a Democrat someday again picks judges. Yet the D.C. Circuit—and all courts, for that matter—would be all the poorer were it composed entirely of people whose views challenged nobody.

Nor is the problem just Mr. Estrada. John G. Roberts Jr., Mr. Bush's other nominee to the D.C. Circuit, has been waiting nearly two years for a Judiciary Committee vote. Nobody has raised to substantial argument against him. Indeed, Mr. Roberts is among the most highly regarded appellate lawyers in the city. Yet on Thursday, Democrats invoked a procedural rule to block a committee vote anyway-just for good measure. It's long past time to stop these games and vote.

[From the St. Louis Post-Dispatch, Feb. 7, 2003]

A FILIBUSTER IS NOT A FIX

The process for appointing federal judges is badly broken. A filibuster won't fix it.

Democrats are trying to decide whether to filibuster the nomination of Miguel Estrada to the powerful federal appeals court for the District of Columbia. They consider Mr. Estrada a stealth conservative who is being groomed for the U.S. Supreme Court as a Hispanic Clarence Thomas.

The Democrats' fear may turn out to be valid. But the filibuster is the parliamentary equivalent of declaring war. Instead of declaring war, the Democrats should sue for peace and try and to fix the process.

The Senate's confirmation process is not supposed to be a rubber stamp. Judicial nominees have been defeated for political reasons—often good political reasons. The Supreme Court is a better place without Clement Haynsworth, Harrold Carswell and Robert Bork. But ever since Mr. Bork, the process of advise and consent has become attack and delay.

During Bill Clinton's presidency, the GOP-controlled Senate held up highly qualified nominees for ideological reasons. Then, during the two years of Democratic control, the Senate held up highly qualified nominees from President George W. Bush. Now the Republicans are ramming through judges as fast as McDonald's sling burgers.

The only consistent principle in this recent Senate history is that turnabout is fair play. That's a poor way to choose judges.

Mr. Bush, like Ronald Reagan, considers conservative ideology a key qualification for judgeship. Unfortunately, Senate Democrats have set upon highly qualified nominees—such as Michael McConnell, a brilliant law professor, who was eventually confirmed—as wolfishly as they have upon weaker nominees, such as Charles Pickering.

In an ideal world, Mr. Bush would realize that the lackluster Mr. Pickering, a friend of Sen. Trent Lott, R–Miss., raises divisive racial questions. In an ideal world, the president would nominate the best-qualified legal minds, not ideologies.

But in the real world, Mr. Pickering is acceptable and Mr. Estrada is well-qualified. Mr. Estrada is an immigrant from Honduras who went to Harvard Law School, clerked on the Supreme Court and worked in the Solicitor General's office. Democrats, frustrated by the absence of a paper trail, and Mr. Estrada's sometimes-evasive answers on issues such as abortion, tried to get legal memos that Mr. Estrada wrote while in the Solicitor General's office. But both Democratic and Republican solicitors general have urged that the memos be kept private so that future solicitors general receive candid views from their staff.

In short, the Democratic position doesn't justify a filibuster. Instead, Democrats should reach out to Republicans and try to develop a bipartisan truce that gives judges prompt, but thorough, hearings that will speed the important process of filling the many vacancies on the federal bench.

Mr. TALENT. Mr. President, I want to read an editorial from the February 18 issue of the Washington Post. It sums up the case better than or as well as I can:

The Senate has recessed without voting on the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit. Because of a Democratic filibuster, it spent much of the week debating Mr. Estrada, and, at least for now, enough Democrats are holding together to prevent the full senate from acting.

We all know a filibuster is underway here, an obstruction tactic.

That is not from the editorial. That was my editorial comment.

The arguments against Mr. Estrada's confirmation range from the unpersuasive to the offensive. He lacks judicial experience, his critics say—though only three current members of the court had been judges before their nominations. He is too young—though he is about the same age as Judge Harry T. Edwards was when he was appointed and several years older than Kenneth W. Starr was when he was nominated. Mr. Estrada stonewalled the Judiciary Committee by refusing to answer questions—though his answers were similar in nature to those of previous nominees, including many nominated by Democratic presidents. The administration refused to turn over his Justice Department memos—though no reasonable Congress ought to be seeking such material, as a letter from all living former solicitors general attests. He is not a real Hispanic and, by the way, he was nominated only because he is Hispanic—two arguments as repugnant as they are incoherent. Underlying it all is the fact that Democrats don't want to put a conservative on the court.

Laurence H. Silberman, a senior judge on the court to which Mr. Estrada aspires to serve, recently observed that under the current standards being applied by the Senate . . .

I ask you to listen carefully to this.

. . . being applied by the Senate, not one of his colleagues could predictably secure confirmation. He's right. To be sure, Republicans missed few opportunities to play politics with President Clinton's nominees. But the Estrada filibuster is a step beyond even those deplorable games. For Democrats demand, as a condition of a vote, answers to questions that no nominee should be forced to address—and that nominees have not previously been forced to address. If Mr. Estrada cannot get a vote, there will be no reason for Republicans to allow the next David S. Tatel—a distinguished liberal member of the court—to get one when a Democrat someday again picks judges. Yet the D.C. Circuit—and all courts, for that matter—would be all the poorer were it composed entirely of people whose views challenged nobody.

Nor is the problem just Mr. Estrada. John G. Roberts Jr., Mr. Bush's other nominee to the D.C. Circuit, has been waiting nearly two years for a Judiciary Committee vote. Nobody has raised a substantial argument against him. Indeed, Mr. Roberts is among the most highly regarded appellate lawyers in the city. Yet on Thursday, Democrats invoked a procedural rule to block a committee vote anyway—just for good measure. It's long past time to stop these games and vote.

I ask my colleagues to consider carefully—and I know there have been abuses of this process on both sides of the aisle—but I ask my colleagues to consider carefully whether, in the name of the Constitution, in the name of the obligation of this Senate to go on to other things and resolve them, in the name of comity and the traditions of this body, the Washington Post isn't right, and whether it isn't long past time to stop these games and vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, first, let me respond to my colleague and friend from the State of Missouri which adjoins my home State of Illinois.

I say to him, I do not disagree with many of the things he said. This debate over Miguel Estrada should not be about the person. I have met him. I sat down in my office with him. He has a very impressive life story to tell having come to the United States as an immigrant when he was about 17 years old, with a limited command of English. The man had some extraordinary achievements. He went on to become the editor of the Law Review at Harvard, served as a member of the Department of Justice, worked at the Supreme Court as a clerk. He is with a major, prestigious law firm. You would really be hard pressed to find anything in his background that is anything short of impressive. That is not the issue.

The fact that he is Hispanic, I say to my friend from Missouri, in my mind, is a plus in many respects. It certainly is not a minus. I was honored to name a Hispanic to the district court in Chicago when I had that opportunity a few years ago. I believe our judiciary should reflect the diversity of the United States. And if this is an example of affirmative action by the White House to put a Hispanic on the DC Circuit court, I say: Three cheers. I think it is the right thing to do.

It has nothing to do with his Hispanic heritage. As I said, that is a plus. There is nothing negative about that in any respect. What is at issue, and the reason the Senate has been tied up with this nomination, is the fact that Mr. Estrada has not been forthright in explaining who he is in terms of what he believes. And that is a fair question.

If we are going to give someone a lifetime appointment to the DC Circuit court—which is not just another court for the District of Columbia, but a major court in our Federal judicial system—I think it is not only reasonable, it is imperative that the Senate ask basic questions of Mr. Estrada. And we did. Time and time again, he stopped short of answering because that is now the drill at the Department of Justice.

The nominees go through this very rigorous training about how to handle a Senate judicial hearing. I am told they have videotapes and play them back and they ask them the questions most often asked of nominees. They school them in the answers to give to not reveal, at any point, what they really think, trying to get away with saying as little as possible, trying to get through the hearing with a smile on their face and their family behind them, and trying to get through the Senate without any controversy.

There is nothing wrong with that if a person has a history that you can turn to and say, well, this man or this woman has been on the bench for so many years and has handed down so many opinions. And we have read them. We know what they believe. They have expressed themselves over and over again. Or if they have published law journal articles, for example, that explain their point of view, that is all there for the record. You could draw your own conclusions.

But in the case of Mr. Estrada, none of that is there. He has not done that much in terms of publications nor involvement in cases. We said to him: Help us understand you. If you will not answer the question directly, let us at least look at the legal documents you prepared so we can see how you analyzed the law.

That has been done before. Other nominees have offered that information. Mr. Estrada said: I would be happy to share it with you as well. But the Department of Justice stepped in and the White House stepped in and said: No, we will not let the Senate see what Mr. Estrada has written as an attorney.

Why? Why would they want to conceal this information, unless, in fact, there is something very controversial and worrisome.

So we come here today not with any personal animus against Miguel Estrada. To the contrary, on a personal basis, he is a very extraordinary individual personally, academically, and professionally. But we have a right to ask these questions. Let me restate that. We have a responsibility to ask those questions, to make certain that each man and woman headed for this awesome lifetime appointment, this awesome position of responsibility, really is the person we want in that position.

Now, make no mistake, with President Bush in the White House, the nominees are more than likely to be Republican, more than likely to be conservative, more than likely to be members—proud members—of the Federalist Society. I know that. That is the nature of this process, the nature of politics. Yet it is still our responsibility to make certain they are just conservative and not extreme in their positions. We cannot draw that conclusion on Miguel Estrada because he has carefully concealed what he really believes. And that is why we are here.

So as a result of focusing on this nomination for 3 straight weeks, we have ignored so many other issues that should be brought to the Senate. We could resolve this issue tomorrow morning easily.

Senator BENNETT, a Republican, of Utah has come to the floor and made a suggestion that I think is eminently reasonable. Let Miguel Estrada turn over his legal writings so they can be reviewed by Senator HATCH and Senator LEAHY. And if they find anything in there of moment, of consequence, or of controversy, let them follow through with the questions or, if necessary, a hearing, and let's be done with it, a vote up or down.

Senator DASCHLE came to the floor today, the Democratic leader, and said that would be perfectly acceptable. We would have the information, and then we could reach our conclusion. And in the process we could be protecting our responsibility as Members of the Senate.

It has nothing to do with Miguel Estrada personally, but it does have something to do with our constitutional authority and responsibility to review each nominee.

EPHEDRA

Mr. President, I would also like to address another issue that is totally unrelated.

On February 14, a Friday, I stood in this spot and spoke about an issue, one that has been on my mind for almost 6 months, an issue which worries me, concerns me, because it relates to the health and safety of American families.

On that day, I challenged the Secretary of Health and Human Services, Tommy Thompson, under his authority to protect American families, to protect them against a nutritional supplement known as ephedra. You will find this supplement in a lot of diet pills, pills that are being sold over the counter as a supplement or vitamin or food product. They are sold as a way to lose weight or increase your energy or performance.

People come in and buy them, with no restriction on how old you have to be or what your health is or what might interact with these supplements. And people buy those and find out, in many instances, that not only don't they work, they are dangerous.

I have challenged Secretary Thompson for 6 months—6 months—to take these dangerous products off the market, and he has not done so. That was February 14.

On February 16, a pitcher from the Baltimore Orioles dropped dead during training. He had cardiac arrest, and the coroner who examined his body afterwards—those who did the autopsy—disclosed the fact that he had used these supplements with ephedra. That was 2 days after I had given that speech.

Time has run out for Steve Bechler and for many like him when it comes to protection from the harm of dangerous dietary supplements containing ephedra. We cannot bring Steve Bechler or my own constituent in Lincoln, IL, Sean Riggins, back. But we can fight to make sure this dangerous product is taken off the market immediately.

Sean Riggins was a 16-year-old boy. And about 4 weeks after I held a hearing in Washington, he went into a convenience store in Lincoln, IL, a small town, and bought—off the counter, with no identification, no check—a pill that was supposed to help him to perform better as a football player. The pill had ephedra in it. As best we can determine, Sean Riggins—this healthy football player, 16 years old—washed down that pill with Mountain Dew or some other product with caffeine in it and went into cardiac arrest and died. This healthy young man died, after taking a pill sold over the counter that contained ephedra.

I cannot think of another product that has generated so many adverse events, so many bad results—some extremely serious, even fatal—and yet has failed to generate any response from this Government to protect families and individuals buying these products.

The Food and Drug Administration has received over 18,000 reports of adverse events, serious health consequences, from those using ephedra and within those 18,000 over 100 deaths. Yet the Food and Drug Administration and Secretary Thompson refuse to act. They want to study the issue. And as they study, innocent people die.

Last August, I wrote to Secretary Thompson and urged him to ban these products. At that time, Lee Smith, an airline pilot from Nevada, had not yet suffered the debilitating stroke that cost him his health and his job due to ephedra.

I again wrote to Secretary Thompson on August 22. At that time, when I sent him a letter begging him to do something about these products, my constituent, Sean Riggins—that healthy 16-year-old boy in Lincoln, IL, who played football and wrestled for his high school team—was still alive. He died September 3, after consuming an ephedra product called yellow jacket. You will find those by cash registers at gas stations and convenience stores across America—kids popping them because they think they make them better performers when it comes to sports or, even worse, taking these pills and drinking beer, craziness that leads to terrible health consequences. And those pills are sold over the counter, with no Government control.

I wrote again, and I spoke directly to Secretary Tommy Thompson in September and October. My Governmental Affairs Subcommittee had hearings on the dangers of ephedra in July and October.

I again urged the Secretary, in a letter sent to him less than 1 month before Steve Bechler of the Baltimore Orioles died. Incidentally, did you see the followup articles in the sports pages, as other athletes, professional baseball players such as David Wells came forward and told his story about how he wanted to lose some weight, and he took an ephedra product and his heart was racing at 200 beats a minute. He flat-lined. He was almost in cardiac arrest before they finally brought him back.

These are not sickly individuals. These are healthy athletes who are taking these products sold over the counter and risking their lives in the process.

Yet the most we can get from Secretary Thompson in response is a suggestion that maybe we need a warning label. When the reporters asked him this past weekend about Steve Bechler of the Baltimore Orioles, his death because of ephedra, the Secretary was quoted as saying: ''I wouldn't use it, would you?''

Well, I must say to the Secretary, this is not a matter of his personal preference. It is not a matter of whether as a consumer he would buy the product. It is a matter of his personal responsibility, his responsibility as Secretary of Health and Human Services to get this dangerous product off the shelves of American stores today and to protect families.

I am not the only person calling for this ban on ephedra products. The American Medical Association, representing over 200,000 doctors, called on Secretary Thompson to ban ephedra products. They didn't do it last week after Steve Bechler died. No. They did it over a year ago after Canada had banned this product for sale in their country. They went to Secretary Thompson and said it is dangerous to sell in the United States. He has done nothing.

Let me tell you another thing you might not know. The U.S. Army has banned the sale of ephedra in their commissaries worldwide after 33

ephedra-related deaths occurred among American servicemen. Does this make any sense? We believe as a government that we need to protect the men and women in uniform and so we ban the sale of these products at commissaries across the world, and yet the Secretary of Health and Human Services and the Commissioner of the Food and Drug Administration will not ban the sale of these products in convenience stores and drugstores and gas stations across America.

When you ask him about it, the Secretary says: I am studying it. I have a group called the RAND Commission that is going to study it.

With all due respect, we don't need another study. The Food and Drug Administration has received over 18,000 adverse reports about ephedra. The FDA could do followup on the most serious ones. In fact, the FDA did commission a review of adverse reports several years ago. That review by Drs. Haller and Benowitz established that 31 percent of the reports were definitely or probably related to ephedra and an additional 31 were deemed to be possibly related.

We understand what we are up against. Ephedra is a danger. It is so dangerous that when it was used in its synthetic form with caffeine, that was banned over 15 years ago. They said you couldn't sell a drug in America, nor could you sell an over-the-counter drug product in America that contained ephedra and caffeine because, put together, it is a dangerous and sometimes lethal combination. But yet if you step back from the over-the-counter drugs and call it a nutrition supplement, a vitamin, a food, you are totally exempt from that prohibition. You can combine those two lethal substances, ephedra and caffeine, and sell them with impunity. Does that make any sense? Is that protecting consumers across America? Is that what you expect from your government?

Certainly it is not what I expect. Many of these companies say it is a natural product. Ephedra is naturally occurring. That is no defense. Arsenic is a natural product. Hemlock is a natural product. That doesn't mean that they are safe. In fact, they are dangerous.

We have seen a lot of studies that have come out about ephedra. We know what needs to be done. Many States have already taken action. Because the Federal Government has failed to act, over 20 States have enacted restrictions on the sale of ephedra-containing products.

Incidentally, if you think these products are something you have never heard of, the leading sales of ephedra products are under the brand name Metabolife 365. You have seen them advertised on television and in magazines. Every time you walk into a drugstore and convenience store, you find: Metabolife tablets help you lose weight. Look carefully. Many of them contain ephedra, this lethal drug which has killed so many people.

Suffolk County, a week or so ago in New York, decided to ban this product as well after a 20-year-old named Peter Schlendorf died in 1996, and others suffered serious consequences. They understood, as the U.S. Army, Canada, Britain, Australia, and Germany, that action had to be taken to protect the residents. The National Football League, the NCAA, and the International Olympic Commission have reached the same conclusion, banning the use of this product by athletes.

I wrote to the Baseball Commissioner, Bud Selig, last week and to the Baseball Players' Association urging them to follow suit. The question isn't whether these individual organizations will show responsibility. The question is whether this Government will accept its responsibility.

I don't know Secretary Thompson that well. I have met him a few times. He is a very likable person. He certainly has had a distinguished public career in the State of Wisconsin, serving as a legislator and Governor of the State for many years, one of the most popular elected officials in its history. Everyone tells me this man really understands public service. I believe it.

This really seems to be a blind spot. When I talked to Secretary Thompson on the phone about these products, he said: How are we going to stop these fellows from selling these products and endangering people? I said: Mr. Secretary, you can stop them. You have the authority to stop them.

Time passes and nothing happens. I understand this industry is powerful. I have heard from them. I have heard from my colleagues in the Senate and House who have said: Don't take on these folks in the vitamin and nutritional supplement industry. They really have a lot of political clout. They do. But for goodness' sakes, if you can't stand up to an industry that is selling a lethal product to protect American families, why in the world would you take the oath of office to serve in the Senate? I think every Member understands that responsibility. It goes beyond political fear. It goes right to the heart of your political responsibility, the oath of office we all take and one we all value so much.

In closing, I say to Secretary Thompson, you have another chance now. It is a chance which I pray you will take. The last time I made a speech on the floor of the Senate about this issue, Steve Bechler of the Baltimore Orioles, a man in his early twenties, a promising athlete with a great future ahead of him, was still alive. Sadly, he is not alive today. He took this product and he died as a result. Others will, too.

That story, that tragic story of Steve Bechler, Sean Riggins, and so many others will be repeated over and over again. This industry may have political clout, but it does not have a conscience. It is up to the Secretary, as head of the Health and Human Services Department, to accept his responsibility to protect American families. A warning label is not enough. You cannot get by with putting a label on this product, saying: Caution, use of this product may cause stroke, a coronary event, or death. Why in the world would you allow such a product to be sold over the counter, unregulated in terms of the age of the buyer, unregulated in terms of the dosage? How in the world can you justify that kind of a thing?

The Secretary needs to accept his responsibility, and if he does, I will be the first to applaud him. But until he does, stay tuned. You will continue to hear these speeches on the floor from me and others while helpless victims across America fall because of their consumption of this deadly product.

Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. REID. As the Senator knows, the Senate has been tied up in the matter of Miguel Estrada for 9 or 10 days. From what the Senator said, I don't know much about the product, but he has made a very persuasive argument. It seems to me if the administration and the Secretary, as part of the administration, refuses to do anything administratively, maybe we could well use some Senate time debating this issue. Maybe there should be a moratorium put on the sale of this until further information is obtained on it. I make that suggestion.

My direct question, if the Secretary refuses to do something forthwith, wouldn't we well use the time that is now being spent on this nomination talking about this product that has killed people as the Senator has related?

Mr. DURBIN. The Senator is absolutely right. In fact, we not only could, we should. We should accept that responsibility. We do have this Government which has three coequal branches. If the executive branch and Secretary Thompson refuses to use the authority he has under the law, frankly, I think we should ban the sale of this product in the U.S.

As the Senator knows, we have been tied up for 3 weeks because Miguel Estrada refuses to disclose legal writings he has made. Even Republican Senators have suggested that he should.

We have waited for Republicans to understand that with more information, we can put this behind us and move on to other important business—not just questions about health and safety, but questions about the economy of this Nation, issues on which we ought to be debating and acting.

In closing, I am just going to ask Secretary Thompson again to take this very seriously. I hope we don't have to read about more athletes and other unsuspecting individuals and children who lose their lives as a result of these dangerous products. I say to any citizens following this debate, please think twice before you use a product containing ephedra. There are too many

cases of death and serious health consequences for people who thought they were taking an innocent little pill that can be sold over the counter at a convenience store. In fact, many have turned out to be lethal doses that have killed or caused a great deal of harm.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, the courts provide the foundation upon which the institutions of government in our free society are built. Their strength and legitimacy are derived from a long tradition of Federal judges whose knowledge, integrity and impartiality are beyond reproach.

The Senate is obligated by the Constitution—and the public interest—to protect this legacy and to ensure that the public's confidence in the court system is justified and continues for many years to come.

As guardians of this trust we must carefully scrutinize the credentials and qualifications of every man and woman nominated by the President to serve on the Federal bench.

The men and women we approve for these lifetime appointments make important decisions each and every day, which impact the American people. Once on the bench they may be called upon to consider the extent of our right to personal privacy, our right to free speech, or even a criminal defendant's right to counsel. The importance of these positions and their influence must not be dismissed.

We all have benefitted from listening to the debate about Miguel Estrada's qualifications to serve on the D.C. Circuit.

I very much respect those Senators who desire to have additional information about Mr. Estrada's personal beliefs. Their efforts reflect a sound commitment to the Senate's constitutional obligation to advise and consent.

At the same time, I am troubled by those who have suggested that some Senators are anti-Hispanic because they seek additional information about this nominee. Poisoning the debate with baseless accusations demeans the nomination process.

After reviewing Mr. Estrada's personal and professional credentials—including personally interviewing the nominee—I believe he is qualified to serve on the D.C. Circuit Court—and, I will vote in favor of his nomination.

A Federal appellate judge's power to decide and pronounce judgment and carry it into effect is immense and comes with a moral and legal obligation to conform to the highest standards of conduct.

Federal judges must possess a high degree of knowledge of established legal principles and procedures and must also be impartial, even tempered and have a well-defined sense of justice, compassion and fair play.

In addition, a judge must have the integrity to leave legislating to lawmakers. Judges must have the self-restraint to avoid injecting their own personal views or ideas that may be inconsistent with existing decisional or statutory law.

I believe Mr. Estrada possesses the knowledge and skills needed to be a successful court of appeals judge. Few would argue with his academic credentials, litigation experience or intelligence.

And based on my conversation with him, and those who know him well, I believe he respects—and will honor—his moral and legal obligation to uphold the law impartially.

However, should Mr. Estrada someday be considered for a position on the Supreme Court—as some have suggested he could be—I believe further inquiry not only will be justified, but necessary.

While appellate judges are constrained to a great degree by precedent, and by a check on their power by the Supreme Court, justices on the High Court have greater latitude to insert their own ideological viewpoints.

Mr. Estrada agreed wholeheartedly with this point when we discussed his nomination.

Make no mistake; I believe all judicial nominees should be completely forthcoming during the confirmation process.

Mr. Estrada has argued that he's satisfied a minimum threshold of disclosure, and that revealing additional information about his personal ideological beliefs may compromise his image of impartiality—if he eventually is seated on the federal bench.

I disagree with his approach, because it leads to the suspicion and mistrust—like that which now engulfs us.

Furthermore, I do not believe a similar argument reasonably can be made by a nominee to the Supreme Court. Ideology can be central to the High Court's decisions. As a result, absolute disclosure by Supreme Court nominees is necessary to protect the public interest.

In sum, while I believe Mr. Estrada could have been more forthcoming in order to avoid this controversy, my conclusion is that he is qualified to serve on the D.C. Circuit.

Should he come before the Senate as a nominee to the Supreme Court, he must be willing to provide additional information about his personal beliefs.

LEGISLATIVE SESSION

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. TALENT. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING MAJOR GENERAL PHILIP G. KILLEY FOR 40 YEARS OF SERVICE

Mr. DASCHLE. Mr. President, today I salute a great American and South Dakotan, Major General Philip G. Killey.

General Killey, currently the Adjutant General of the South Dakota National Guard, retires at the end of this week, after 40 years of service. His service includes nearly a quarter-century with the South Dakota National Guard, including two separate appointments as Adjutant General covering more than 6 years.

Since September 11, 2001, General Killey's job has become more demanding and complex, but, as ever through his career, he has proven worthy of the challenge. Since September 11, his troops have been performing a broad variety of missions, from bolstering security at our State's airports to enforcing the no-fly zone over Iraq, from fighting forest fires to keeping the peace in Bosnia. All this, while also staying trained and ready for their next assignment.

Now, that next assignment is here. About 1,200 South Dakota Guard personnel have been called to active duty as part of our Nation's buildup on the borders of Iraq. Given the small population of our State, this is a major contribution. In fact, on a per capita basis, South Dakota is contributing more Guard personnel than all but five other States. This is a much larger commitment than the South Dakota Guard was asked to provide during Desert Storm, its other major call-up of the post-Cold War period, and it has come at a time when General Killey is already managing other high-priority commitments.

Managing these tasks and the Iraq call-up turns out to be the capstone event of General Killey's long military career, and it stands as a real testament to his skill and leadership. It is at critical moments like this, when your resources are stretched thin and you are asked to do even more, that gaps in training, leadership or equipment will reveal themselves. But in South Dakota, General Killey's troops have met the test. They are ready, and it shows.

Over the years, General Killey and I have worked together on many fronts to improve the equipment and facilities of the Guard. In the past 2 years, we have been able to secure nearly $35 million in construction funds to improve 7 Guard facilities at Camp Rapid, Fort Meade, Pierre, Watertown, Mitchell, and Sioux Falls. We were able to

secure $97 million to upgrade 2 battalions of the multiple launch rocket system, one in South Dakota and one in Arkansas, making our artillery system one of the most modern and battle-ready in the National Guard.

In these and other endeavors, I have come to appreciate and respect General Killey for his vision, his energy and initiative, and his sophistication in dealing with both military and civilian authorities. It's been a valuable and productive partnership.

We clearly owe a debt of gratitude to General Killey for 40 years of patriotic service to our State and our Nation. I am proud to call him a fellow South Dakotan and wish all the best for him and his wife, Ellen.

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON ETHICS

Mr. VOINOVICH. Mr. President, in accordance with Rule XXVI.2 of the Standing Rules of the Senate, I ask unanimous consent that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the CONGRESSIONAL RECORD for the 108th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

SUBPART A—S. RES. 338 AS AMENDED

S. Res. 338, 88th Cong., 2d Sess. (1964)

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the ''Select Committee'') consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph I of Rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. For purposes of paragraph 4 of Rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c)(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority Party and one member of the quorum is a member of the minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d)(1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry, or adjudicatory review relating to—

(i) the conduct of—

(I) such member;

(II) any officer or employee the member supervises; or

(III) any employee of any officer the member supervises; or

(ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualifies himself or herself under paragraph (2) from participating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself or herself.

SEC. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2)(A) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the Select Committee shall determine, after according to the individual concerned due notice and opportunity for a hearing, to have occurred;

(B) pursuant to subparagraph (A) recommend discipline, including—

(i) in the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these; and

(ii) in the case of an officer or employee, dismissal, suspension, payment of restitution, or a combination of these;

(3) subject to the provisions of subsection (e), by a unanimous vote of 6 members, order that a Member, officer, or employee be reprimanded or pay restitution, or both, if the Select Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate;

(4) in the circumstances described in subsection (d)(3), issue a public or private letter of admonition to a Member, officer, or employee, which shall not be subject to appeal to the Senate;

(5) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities;

(6) by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(7) develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(b) For the purposes of this resolution—

(1) the term ''sworn compliant'' means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate;

(2) the term ''preliminary inquiry'' means a proceeding undertaken by the Select Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial case for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred; and

(3) the term ''adjudicatory review'' means a proceeding undertaken by the Select Committee after a finding, on the basis of a preliminary inquiry, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c)(1) No—

(A) adjudicatory review of conduct of a Member or officer of the Senate may be conducted;

(B) report, resolution, or recommendation relating to such an adjudicatory review of conduct may be made; and

(C) letter of admonition pursuant to subsection (d)(3) may be issued, unless approved by the affirmative recorded vote of no fewer than 4 members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the Members of the Select Committee voting.

(d)(1) When the Select Committee receives a sworn complaint or other allegation or information about a Member, officer, or employee of the Senate, it shall promptly conduct a preliminary inquiry into matters raised by that complaint, allegation, or information. The preliminary inquiry shall be of duration and scope necessary to determine whether that is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred. The Select Committee may delegate to the chairman and vice chairman the discretion to determine the appropriate duration, scope, and conduct of a preliminary inquiry.

(2) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall dismiss the matter. The Select Committee may delegate to the chairman and vice chairman the authority, on behalf of the Select Committee, to dismiss any matter that they determine, after a preliminary inquiry, lacks substantial merit. The Select Committee shall inform the individual who provided to the Select Committee the complaint, allegation, or information, and the individual who is the subject of the complaint, allegation, or information, of the dismissal, together with an explanation of the basis for the dismissal.

(3) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Select Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline. The Select Committee may issue a public letter of admonition upon a similar determination at the conclusion of an adjudicatory review.

(4) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that there is such substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as soon as practicable, the results of such adjudicatory review, together with its recommendations (if any) pursuant to subsection (a)(2).

(e)(1) Any individual who is the subject to a reprimand or order of restitution, or both, pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or orter of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) A motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Select Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting preliminary inquiries and adjudicatory reviews.

(i) The Select Committee from time to time shall transmit to the Senate its recommendations as to any legislative measures which it may consider to be necessary for the effective discharges of its duties.

SEC. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any compliant or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any adjudicatory review as defined in section 2(b)(3) shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

(d)(1) Subpoenas may be authorized by—

(A) the Select Committee; or

(B) the chairman and vice chairman, acting jointly.

(2) any such subpoena shall be issued and signed by the chairman and the vice chairman and may be served by any person designated by the chairman and vice chairman.

(3) The chairman or any member of the Select Committee may administer oaths to witnesses.

(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) and (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under paragraph 2(c) [Note: Now Paragraph 1] of Rule XXXIV or paragraph 1 of Rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

SEC. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

SEC. 5. As used in this resolution, the term ''officer or employee of the Senate'' means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any member of the Senate;

(3) the legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

SUBPART B—PUBLIC LAW 92–191—FRANKED MAIL, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 6. (a) The Select Committee on Standards and Conduct of the Senate [NOTE: Now the Select Committee on Ethics] shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons. (b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

SUBPART C—STANDING ORDERS OF THE SENATE REGARDING UNAUTHORIZED DISCLOSURE OF INTELLIGENCE INFORMATION, S. RES. 400, 94TH CONGRESS, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 8. * * *

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SUBPART D—RELATING TO RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS RECEIVED BY MEMBERS, OFFICES AND EMPLOYEES OF THE SENATE OR THEIR SPOUSES OR DEPENDENTS, PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

Section 7342 of title 5, United States code, states as follows:

SEC. 7342. Receipt and disposition of foreign gifts and decorations.

''(a) For the purpose of this section—

''(1) 'employee' means—

''(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

''(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

''(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

''(D) a member of a uniformed service;

''(E) the President and the Vice President;

''(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

''(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

''(2) 'foreign government' means—

''(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

''(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

''(C) any agent or representative of any such unit or such organization, while acting as such;

''(3) 'gift' means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

''(4) 'decoration' means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

''(5) 'minimal value' means a retail value in the United States at the time of acceptance of $100 or less, except that—

''(A) on January 1, 1981, and at 3 year intervals thereafter, 'minimal value' shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

''(B) regulations of an employing agency may define 'minimal value' for its employees to be less than the value established under this paragraph; and

''(6) 'employing agency' means—

''(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

''(B) the Select Committee on Ethics of the Senate, for Senators and employees of the

Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2), (d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

''(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

''(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

''(b) An employee may not—

''(1) request or otherwise encourage the tender of a gift or decoration; or

''(2) accept a gift or decoration, other than in accordance with, the provisions of subsections (c) and (d).

''(c)(1) The Congress consents to—

''(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

''(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that

''(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

''(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

''(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

''(A) deposit the gift for disposal with his or her employing agency; or

''(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).

''(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

''(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).

''(e)(1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

''(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

''(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transfer such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

''(2) Such listings shall include for each tangible gift reported—

''(A) the name and position of the employee;

''(B) a brief description of the gift and the circumstances justifying acceptance;

''(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

''(D) the date of acceptance of the gift;

''(E) the estimated value in the United States of the gift at the time of acceptance; and

''(F) disposition or current location of the gift.

''(3) Such listings shall include for each gift of travel or travel expenses—

''(A) the name and position of the employee;

''(B) a brief description of the gift and the circumstances justifying acceptance; and

''(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

''(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

''(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

''(2) Each employing agency shall—

''(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

''(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

''(C) take any other actions necessary to carry out the purpose of this section.

''(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who files to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

''(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host government that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

''(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

''(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.''

PART II: SUPPLEMENTARY PROCEDURAL RULES

145 Cong. Rec. S1832 (daily ed. Feb. 23, 1999)

RULE 1: GENERAL PROCEDURES

(a) OFFICERS. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) PROCEDURAL RULES: The basic procedural rules of the Committee are stated as part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are states herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) MEETINGS:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the

office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman or the Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all member of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) QUORUM:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations, of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 5 and any deposition taken outside the presence of a Member under Rule 6, one Member shall constitute a quorum for hearing testimony, provided that all Members have been notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) ORDER OF BUSINESS: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) HEARINGS ANNOUNCEMENTS: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) OPEN AND CLOSED COMMITTEE MEETINGS: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) RECORD OF TESTIMONY AND COMMITTEE ACTION: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 5 on Procedures for Conducting Hearings.)

(i) SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a complaint or allegation shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) RELEASE OF REPORTS TO PUBLIC: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) INELIGIBILITY OR DISQUALIFIED OF MEMBERS AND STAFF:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member of the Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Committee and the determination and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(4) Whenever any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself under paragraph (3) from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any member of the Senate appointed for such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(5) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(4).

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(1) RECORDED VOTES: Any member may require a recorded vote on any matter.

(m) PROXIES; RECORDING VOTES OF ABSENT MEMBERS:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV.

(o) COMMITTEE USE OF SERVICES OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS:

With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION

(a) COMPLAINT, ALLEGATION, OR INFORMATION: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) SOURCE OF COMPLAINT, ALLEGATION, OR INFORMATION: Complaint, allegations, and information to be reported to the Committee may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints, defined as a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate;

(2) anonymous or informal complaints;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) FORM AND CONTENT OF COMPLAINTS: A complaint need not be sworn nor must it be in any particular form to receive Committee consideration, but the preferred complaint will:

(1) state, whenever possible, the name, address, and telephone number of the party filing the complaint;

(2) provide the name of each member, officer or employee of the Senate who is specifically alleged to have engaged in improper conduct or committed a violation;

(3) state the nature of the alleged improper conduct or violation;

(4) supply all documents in the possession of the party filing the complaint relevant to or in support of his or her allegations as an attachment to the complaint.

RULE 3: PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY

(a) DEFINITION OF PRELIMINARY INQUIRY: A ''preliminary inquiry'' is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) BASIS FOR PRELIMINARY INQUIRY: The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint, or other allegation of, or information about, alleged misconduct or violations pursuant to Rule 2.

(c) SCOPE OF PRELIMINARY INQUIRY:

(1) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information upon which to make any determination provided for by this Rule.

(d) OPPORTUNITY FOR RESPONSE: A preliminary inquiry may include an opportunity for any known respondent or his or her designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(e) STATUS REPORTS: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) FINAL REPORT: When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) COMMITTEE ACTION: As soon as practicable following submission of the report on the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW

(a) DEFINITION OF ADJUDICATORY REVIEW: An ''adjudicatory review'' is a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) SCOPE OF ADJUDICATORY REVIEW: When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the course of the adjudicatory review, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) NOTICE TO RESPONDENT: The Committee shall give written notice to any known respondent who is the subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee Staff, or outside counsel.

(d) RIGHT TO A HEARING: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) PROGRESS REPORTS TO COMMITTEE: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) FINAL REPORT OF ADJUDICATORY REVIEW TO COMMITTEE: Upon completion of an adjudicatory review, including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) COMMITTEE ACTION:

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2(a), subsections (2), (3), and (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

(i) In the case of a Member, a recommendation to the Senate for expulsion, censure, payment or restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these;

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four months of the Committee that it should remain confidential.

(h) RIGHT OF APPEAL:

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

RULE 5: PROCEDURES FOR HEARINGS

(a) RIGHT TO HEARING: The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand. (See Rule 4(d).)

(b) NON-PUBLIC HEARINGS: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) ADJUDICATORY HEARINGS: The Committee may, be the recorded vote of not less than four members of the Committee, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) SUBPOENA POWER: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 6.)

(e) NOTICE OF HEARINGS: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) PRESIDING OFFICER: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) WITNESSES:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no matter of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) RIGHT TO TESTIFY: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) CONDUCT OF WITNESSES AND OTHER ATTENDEES: the Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) ADJUDICATORY HEARING PROCEDURES:

(1) NOTICE OF HEARINGS: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) PREPARATION FOR ADJUDICATORY HEARINGS:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote,

may recommend to the Senate that the offender be cited for contempt of Congress.

(3) SWEARING OF WITNESSES: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) RIGHT TO COUNSEL: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES:

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after testimony is received.

(6) ADMISSIBILITY OF EVIDENCE:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, b a Member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

(7) SUPPLEMENTARY HEARING PROCEDURES: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) TRANSCRIPTS:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. if any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 6: SUBPOENAS AND DEPOSITIONS

(a) SUBPOENAS:

(1) AUTHORIZATION FOR ISSUANCE: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

(2) SIGNATURE AND SERVICE: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) WITHDRAWAL OF SUBPOENA: The Committee, by recorded vote of not less than four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) DEPOSITIONS:

(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS: Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) DEPOSITION NOTICES: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) COUNSEL AT DEPOSITIONS: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) DEPOSITION PROCEDURE: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) FILING OF DEPOSITIONS: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, with a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may

also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATE; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) VIOLATIONS OF LAW: Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report such possible violation to the proper Federal and state authorities.

(b) PERJURY: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) LEGISLATIVE RECOMMENDATIONS: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceedings.

(d) EDUCATIONAL MANDATE: The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(e) APPLICABLE RULES AND STANDARDS OF CONDUCT:

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review or other proceeding by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) PROCEDURES FOR HANDLING CLASSIFIED MATERIALS:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in Committee's possession.

(c) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS:

(1) Committee Sensitive documents materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to the make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) NON-DISCLOSURE POLICY AND AGREEMENT:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 9: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by an other methods of coverage, unless the Committee decides by recorded vote of not less than four members of

the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 10: PROCEDURES FOR ADVISORY OPINIONS

(a) WHEN ADVISORY OPINIONS ARE RENDERED:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) FORM OF REQUEST: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requester wishes the Committee to address.

(c) OPPORTUNITY FOR COMMENT:

(1) The committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) ISSUANCE OF AN ADVISORY OPINION:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory, opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) RELIANCE ON ADVISORY OPINIONS:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 11: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) BASIS FOR INTERPRETATIVE RULINGS: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) REQUEST FOR RULING: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) Adoption of Ruling:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that is be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) PUBLICATION OF RULINGS: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance of guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) RELIANCE ON RULINGS: Whenever an individual can demonstrate to the Committees' satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) RULINGS BY COMMITTEE STAFF: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 12: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) AUTHORITY TO RECEIVE COMPLAINTS: The Committee is directed by section 6(b) of Public Law 93–191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) DISPOSITION OF COMPLAINTS:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statute, if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) ADVISORY OPINIONS AND INTERPRETATIVE RULINGS: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 13: PROCEDURES FOR WAIVERS

(a) AUTHORITY FOR WAIVERS: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to any employee of the provisions of a the Code of Official Conduct to any employee of the Senate hired on a per diem basis.

(b) REQUESTS FOR WAIVERS: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules for the Senate) should be included with the waiver request.

(c) RULING: The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to any individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) AVAILABILITY OF WAIVER DETERMINATIONS: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 14: DEFINITION OF ''OFFICER OR EMPLOYEE''

(a) As used in the applicable resolutions and in these rules and procedures, the term ''officer or employee of the Senate'' means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 15: COMMITTEE STAFF

(a) COMMITTEE POLICY:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) 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 advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, and Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) APPOINTMENT OF STAFF:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) DISMISSAL OF STAFF: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) STAFF WORKS FOR COMMITTEE AS WHOLE: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) NOTICE OF SUMMONS TO TESTIFY: Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) ADOPTION OF CHANGES IN SUPPLEMENTARY RULES: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) PUBLICATION: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

PART III—SUBJECT MATTER JURISDICTION

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, as amended, and stated in Rules 34 through 43 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommend additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93–191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence;

(f) Public Law 95–105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12). Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), and as amended by Section 3 of S. Res. 222 (1999), provides:

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate reads as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense

that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—''SUPERVISORS'' DEFINED

Paragraph 12 of Rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has it own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, and other assistants assigned to their respective offices;

(h) the majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

RULES OF THE COMMITTEE ON SMALL BUSINESS & ENTREPRENEURSHIP

Ms. SNOWE. Mr. President, pursuant to Rule 26 of the Standing Rules of the Senate, I submit the rules for the Committee on Small Business and Entrepreneurship to be printed in the CONGRESSIONAL RECORD. The Committee rules for the 108th Congress are identical to the rules adopted by the Committee for the 107th Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP, 108TH CONGRESS

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee.

2. MEETING AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, such member of the Committee as the Chairman shall designate shall preside.

(b)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term ''routine business'' includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Congressional Record Sec. 3231 (daily edition March 21, 1986)

(3) In hearings, whether in public or closed session a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote on the date of the meeting to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

(d) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless thirty written copies of such amendment have been delivered to the Offices of the Chairman and the Ranking Member at least 2 business days prior to the meeting. This subsection may be waived by the agreement of the Chairman and Ranking Member or by a majority vote of the members of the Committee.

3. HEARINGS

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) The Chairman and Ranking Member shall be empowered to call an equal number of witnesses to a Committee hearing. Such number shall exclude an Administration witness unless such witness would be sole hearing witness, in which case the Ranking Member shall be entitled to invite one witness. Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least 2 business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting but must be in writing. Subpoenas shall be issued by the Chairman or by the Member of the Committee designated by him. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material presented to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

4. SUBCOMMITTEES

The Committee shall not have standing subcommittees.

5. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.

RULES OF THE SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, paragraph 2 of Senate Rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each Committee shall be published in the RECORD.

In compliance with this provision, I ask unanimous consent that the Rules of the Select Committee on Intelligence be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE SELECT COMMITTEE ON INTELLIGENCE, UNITED STATES SENATE

(Adopted June 23, 1976)

(Amended October 24, 1990

(Amended February 25, 1993)

(Amended February 22, 1995)

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, of if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee Members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5 The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman. Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2d Session and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2 OATH OF AFFIRMATION.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3 INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4 COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so small, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 STATEMENTS BY WITNESSES.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6 OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7 INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine

whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8 REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence present at a public hearing, or any comment made by a Committee member or a member of the Committee staff may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of acts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed by majority vote of the Committee, to forward such recommendation to the Senate.

8.10 RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2. Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4. Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and minority Staff Director.

9.6. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committee may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need to know such information for an official governmental purpose related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the committee may be disclosed only to persons outside the Committee who have a need to know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf. Failure to abide by this provision shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400.

9.7 Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.8 Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1 For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of Senate Resolution 400 of the 94th Congress.

10.3 The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, and shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committees.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority in the expression of minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6. No member of the Committee staff shall be employed by the Committee unless and until a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, 2d Session, and to abide by the Committee's code of conduct.

10.7. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his or her testimony, either during his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of

any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. In accordance with title II of the Civil Rights Act of 1991 (P.L. 102–166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. When the Chairman and the Vice Chairman approve the foreign travel of a member of the committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A.—94TH CONGRESS, 2D SESSION

S. Res. 400

[Report No. 94–675]

[Report No. 94–770]

IN THE SENATE OF THE UNITED STATES

March 1, 1976

Mr. Mansfield (for Mr. Ribicoff) (for himself, Mr. Church, Mr. Percy, Mr. Baker, Mr. Brock, Mr. Chiles, Mr. Glenn, Mr. Huddleston, Mr. Jackson, Mr. Javits, Mr. Mathias, Mr. Metcalf, Mr. Mondale, Mr. Morgan, Mr. Muskie, Mr. Nunn, Mr. Roth, Mr. Schweiker, and Mr. Weicker) submitted the following resolution; which was referred to the Committee on Government Operations.

May 19, 1976

Considered, amended, and agreed to resolution to establish a Standing Committee of the Senate on Intelligence, and for other purposes

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the ''select committee''). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision named in clause (D), (E), or (F) to

the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which such proposed legislation is referred, to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the selection committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purpose of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, by commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered to be disclosed.

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not public disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the information of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case

may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which the committee or which Members of the Senate received such information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[1] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office-or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of the United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term ''intelligence activities'' includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policy-making function.

(b) As used in this resolution, the term ''department or agency'' includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now

conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

APPENDIX B.—94TH CONGRESS, 1ST SESSION

S. Res. 9

IN THE SENATE OF THE UNITED STATES

January 15, 1975

Mr. Chiles (for himself, Mr. Roth, Mr. Biden, Mr. Brock, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Hatfield, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Johnston, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Packwood, Mr. Percy, Mr. Proxmire, Mr. Stafford, Mr. Stevenson, Mr. Taft, Mr. Weicker, Mr. Bumpers, Mr. Stone, Mr. Culver, Mr. Ford, Mr. Hart of Colorado, Mr. Laxalt, Mr. Nelson, and Mr. Haskell) introduced the following resolution; which was read twice and referred to the Committee on Rules and Administration.

Resolution amending the rules of the Senate relating to open committee meetings

Resolved, That paragraph 7(b) of rule XXV of the Standing Rules of the Senate is amended to read as follows:

''(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions—

''(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

''(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

''(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

''(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

''(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

''(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

''(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.''

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102(d) and (e) of the Congressional Budget Act of 1974 are repealed.

FIRST RESPONDERS PARTNERSHIP GRANT ACT OF 2003 INCLUDED IN THE ECONOMIC RECOVERY ACT OF 2003

Mr. LEAHY. Mr. President, I rise today in support of Democratic Leader DASCHLE's request to bring before the Senate the Economic Recovery Act of 2003, S. 414, which includes legislation I introduced last month: the First Responders Partnership Grant Act of 2003.

I thank the Democratic leader for authoring this important economic stimulus package. In seeking to improve homeland security, I am proud that he saw fit to include the First Responders Partnership Grant Act—on which he, Democratic Whip REID and Senator BREAUX join me as cosponsors. This legislation will supply our Nation's first responders with the support they so desperately need to protect homeland security and prevent and respond to acts of terrorism.

I want to begin by thanking each of our Nation's brave firefighters, emergency rescuers, law enforcement officers, and other first responder personnel for the jobs they do for the American public day in and day out. Our public safety officers are often the first to respond to any crime or emergency situation. On September 11, the Nation saw that the first on the scene at the World Trade Center were the heroic firefighters, police officers, and emergency personnel of New York City. These real-life heroes, many of whom gave the ultimate sacrifice, remind us of how important it is to support our State and local public safety partners.

But while we ask our Nation's first responders to defend us as never before on the front lines against the dark menace of domestic terrorism, we have failed to supply them with the Federal support they need and deserve to protect us, as we expect and need them to protect us.

Since February 7, 2003, the Federal Homeland Security Advisory System has kept State and local first responders on Orange Alert, a ''high'' condition indicating a high probability of a terrorist attack and when additional precautions by first responders are necessary at public events.

Since then, counterterrorism officials have warned that the threat of terrorist attacks on U.S. soil is at a higher level than in previous months due to the possibility of impending military action against Iraq. This is the second time since September 11, 2001, that the national warning level has been at Orange Alert—from September 10 to September 24 last year, Attorney General Ashcroft declared our country at Orange Threat level.

From March 12, 2002, until this month, we were at Yellow Alert, an ''elevated'' threat level declared when there is a significant risk of terrorist attacks, requiring increased surveillance of critical locations.

Counties, cities, and towns in my home State of Vermont and across the United States find themselves overwhelmed by increasing homeland security costs required by the Federal Government. Indeed, the National Governors' Association estimates that States incurred around $7 billion in security costs over the past year alone.

As a result, the national threat alerts and other Federal homeland security requirements have become unfunded Federal mandates on our State and local governments. Rutland County Sheriff R.J. Elrick, president of the Vermont Sheriffs' Association, recently wrote to me:

> We are in dire need of financial support to keep our personnel trained and equipped to meet the challenges here at home as we continue our vigilant commitment to fight terrorism.

When terrorists strike, first responders are and will always be the first people we turn to for help. We place our lives and the lives of our families and friends in the hands of these officers, trusting that when called upon they will protect and save us.

Just how, without supplying them with the necessary resources, do we expect our Nation's first responders to realistically carry out their duties?

Our State and local law enforcement officers, firefighters and emergency personnel are full partners in preventing, investigating, and responding to terrorist acts. They need and deserve the full collaboration of the Federal Government to meet these new national responsibilities.

Washington is buzzing about the literally hundreds of billions of additional dollars the President plans to ask Congress to provide for our military services to fight the war on terrorism abroad. The same cannot be said for helping security here at home, which is shamefully overlooked.

For a year and a half I have been working hard to remedy that, with allies like our distinguished Democratic leader and assistant Democratic leader, and New York Senators SCHUMER and CLINTON. As former chair and now ranking member of the Judiciary Committee, I have made it a high priority to evaluate and meet the needs of our first responders.

For these reasons, I commend the Democratic leader for including in the homeland security section of his economic stimulus package the First Responders Partnership Grant Act, which will give our Nation's law enforcement officers, firefighters, and emergency personnel the resources they need to do their jobs. This legislation will establish a grant program at the Department of Homeland Security to provide $5 billion nationwide for current fiscal year to support State and local public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism.

Similar to the highly successful Department of Justice Community Oriented Policing Services—COPS—and the Bulletproof Vest Partnership Grant Programs, the First Responder Grants will be made directly to State and local government units for overtime, equipment, training, and facility expenses to support our law enforcement officers, firefighters, and emergency personnel.

The First Responder Grants may be used to pay up to 90 percent of the cost of the overtime, equipment, training, or facility. In cases of fiscal leadership, the Department of Homeland Security may waive the local match requirement of 10 percent to provide Federal funds for communities that cannot afford the local match.

In a world shaped by the violent events of September 11, day after day we call upon our public safety officers to remain vigilant. We not only ask them to put their lives at risk in the line of duty, but also, if need be, give their lives to protect us.

If we take time to listen to our Nation's State and local public safety partners, they will tell us that they welcome the challenge to join in our national mission to protect our homeland security. But we cannot ask our firefighters, emergency personnel, and law enforcement officers to assume these new national responsibilities without also providing new Federal support.

The First Responders Partnership Grant Act will provide the necessary Federal support for our State and public safety officers to serve as full partners in the fight to protect our homeland security. We need our first responders for the security and the lifesaving help they bring to our communities. All they ask is for the tools they need to do their jobs for us. And for the sake of our own security, that is not too much to ask.

I commend Senator DASCHLE for his leadership, and hope that the Senate will soon consider this desperately needed economic stimulus package.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 22, 2001 in Pleasanton, CA. Two men assaulted an Afghani cab driver in an incident that police labeled a hate crime. The two attackers, Kenny Loveless and Travis Gossage, both 21, yelled racial epithets at the cab driver during their ride. Upon getting out of the cab they struck the outside of the cab. When the driver got out to inspect the cab the two men attacked the driver and continued to yell racial slurs.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE MEASURE OF SUCCESS: CELEBRATING A LEGACY OF AFRICAN AMERICAN ACHIEVEMENT

Ms. FEINSTEIN. Mr. President, ''Success is to be measured not so much by the position one has reached in life, as by the obstacles which he has overcome while trying to succeed.'' This statement, made over 100 years ago by Booker T. Washington, rings true today.

Twenty-seven years ago, February was designated ''Black History Month.'' Today, I am pleased to join in the celebration of the many achievements and contributions African Americans have made to our history. I encourage all of you to celebrate this rich history of achievement year-round.

America's history has been shaped by the courage, talent, and ingenuity of African-Americans. Each February we rediscover familiar stories of those who triumphed over bigotry and hatred to help move our Nation closer to living up to its greatest potential. In the lives of Frederick Douglass, Harriet Tubman, Sojourner Truth, Rosa Parks, and Thurgood Marshall we find heroes who dedicated their lives to liberty, freedom, and equality. During this month we also celebrate the achievements and vision of civil rights leaders such as Martin Luther King, Jr. and Medgar Evers and are reminded that we must continue the important work they started.

A look through our own State's history reveals a rich portrait of African American achievement in California.

In science, George Edward Alcorn, Jr. is a brilliant physicist and inventor who has made considerable contributions to semiconductor technology and other scientific fields. He graduated from Occidental College in Los Angeles with a B.A. in Physics, and received an M.S. and Ph.D. in Nuclear, Atomic and Molecular Physics from Howard University. He has been issued more than 25 patents for his groundbreaking work and is most well-known for inventing the Imaging X-ray Spectrometer used for detecting life on other planets.

Dr. Alcorn has also been extensively involved in community service. He was awarded a NASA–EEO medal for his contributions in recruiting minority and women scientists and engineers and for his assistance to minority businesses in establishing research programs. He is a founder of Saturday Academy, which is a weekend honors program designed to supplement and extend math-science training for inner-city students in grades 6 to 8.

Mae Jemison, an African American physician, scientist and engineer, was the first woman of color to go into space more than 10 years ago. Dr. Jemison was only 16 when she entered Stanford University; she graduated in 1977 at age 20 with degrees in both chemical engineering and African American studies. A few years later, she received a medical degree from Cornell University. Dr. Jemison was selected by NASA in 1988 for Astronaut training and in 1992 became a mission specialist aboard the space shuttle Endeavor.

Throughout her career, Dr. Jemison remained undaunted by the lack of role models in her area of expertise and instead paved the way as a hero for women and minorities interested in the science and technology fields. She once said, ''I saw a world that was changing and I wanted to be a part of that.''

Last year, she was honored by the Mentoring Center in Oakland during a ceremony where she stressed the need for caring adults to reach out for young people in these troubled times. Just recently, Dr. Jemison encouraged a young audience at the Modesto Community College to shoot for the stars and realize their capacity to dream. She said, ''We have to have a vision of what we want the world to be in the future. We must combine lessons from the past with our responsibility for the present. It's the only way to have hope for the future.''

Politics: African Americans in the political arena have worked tirelessly to advance the civil rights of all people in California. Largely as a result of their efforts, African Americans are well represented in California local, State and Federal Governments.

Below is a short list of other African-American Californians who have made similar contributions to our State and communities across the Nation:

Yvonne Brathwaite Burke was the first black woman to be elected to the California General Assembly and the first to be elected to represent California in the United States Congress.

Congressman Ronald V. Dellums was elected to Congress in 1970. He was the first African-American to serve on the Armed Services Committee and was its first black chairman.

Herb J. Wesson, Jr. is only the second African American in California history to be elected the 65th Speaker of the California State Assembly, one of the most powerful positions in the State. As a student at Lincoln University, a historically black college, Mr. Wesson was inspired to pursue a political career while listening to a speech by then Congressman Ron Dellums of California.

During his career, Mr. Wesson has introduced bills that protected labor rights for immigrant workers, ensured pay equity across gender lines, increased funding for low performing schools, and promoted job training for at-risk teens. He has earned a reputation as a natural born leader, mediator

and bridge-builder, someone other Assembly members turned to when seeking to resolve a conflict.

Sports: African Americans have played an extremely influential role in the development of professional sports. Among the most prominent, Tony Gwynn has demonstrated excellence on and off the field. A native of Long Beach, Gwynn played baseball for the San Diego Padres for 20 years.

In addition to his incredible skill on the diamond, Gwynn became a sports hero for youth across the nation. Demonstrating sportsmanship, community service, and athleticism, Gwynn has won numerous community awards for his dedication and activism. He was inducted into the World Sports Humanitarian Hall of Fame in 1999.

California can also be very proud of its local African American heroes—those who often go unrecognized by the national community.

Improving the community relations in her native neighborhood of Watts, in Los Angeles, has been a lifelong commitment for ''Sweet'' Alice Harris. ''Sweet Alice,'' as she is affectionately called, is the founder of Parents of Watts, a program designed to encourage children to stay in school and away from drugs.

Today, Parents of Watts has grown into numerous organizations that provide emergency food and shelter for the homeless, offer health seminars, provide legal and drug counseling, and operate a program for unwed mothers.

Sweet Alice is truly one of the best known and most influential community leaders of her generation. Her lifetime of service and commitment to disadvantaged youth stems from her early years as a homeless teenage parent at age 16. In March of 2002, Lt. Governor Cruz Bustamante honored Sweet Alice with the Lt. Governor's Woman of the Year award for her tireless efforts for providing Los Angeles youth with a fighting chance in their community, a dedication that has spanned nearly 40 years.

This Black History Month, I would like to applaud all African American heroes who have overcome great adversity and risen to incredible heights of success. Many of these heroes have come from humble beginnings, making their successes and contributions to their communities all the more remarkable.

I look forward to the coming year in which we will, without a doubt, continue to see African Americans succeed and make a difference, both in their communities and in our country.

ADDITIONAL STATEMENTS

BLACK HISTORY MONTH

• Mr. NELSON of Florida. Mr. President, I rise today to commemorate and honor the achievements of African-Americans as the celebration of Black History Month draws to a close. I know my colleagues join me in remembering the sacrifices and contributions African-Americans have made to our country. From laying the foundation of the United States Capitol, to creating the design of the Nation's capital, a feat accomplished by noted scientist Benjamin Banneker, composing great music and writing classic literature, African-Americans' influence on our society and culture is immeasurable.

So many of our modern conveniences are due to the innovation and imagination of great African-American inventors like Garrett A. Morgan, creator of the modern stop light and the gas mask, which our Nation's forces may be utilizing in combat in Iraq. The great scientist, George Washington Carver, took tiny peanuts and engineered myriad uses for them. Pioneering astronauts like Guion Bluford, and most recently, Lieutenant Colonel Michael Anderson, whom we lost in the *Columbia* tragedy, undertook experiments in space that will advance our technological and scientific knowledge, expanding our horizons to space and beyond.

It is only fitting that we take time to remember these and other numerous accomplishments. Our Nation, and indeed the world, have benefited from the selfless sacrifices African-Americans have made in service to our country. We must continue to work to ensure that all African-Americans are afforded the opportunity to participate in, and realize, the American Dream. In the words, of Reverend Doctor Martin Luther King, Jr.: ''We are not makers of history. We are made by history.'' Indeed, the history and experiences of African-Americans have helped shape America and will continue to do so for generations to come.•

CONCORD, NEW HAMPSHIRE CELEBRATES ITS 150TH BIRTHDAY

• Mr. GREGG. Mr. President, I rise today in honor of Concord, the Capital City of New Hampshire. As the United States prepares this year to observe the 227th anniversary of our independence, the citizens of Concord will be celebrating the City's 150th birthday. It is therefore timely and appropriate that we recognize this great American community.

Concord runs eight miles from north to south and covers almost 39,000 acres. However, this geographic description fails to illustrate its unique position in New Hampshire and U.S. history. First settled in the early 1700's as the Plantation of Penacook, an Indian word describing the serpentine but beautiful meanderings of the Merrimack River, the town was later renamed Rumford in 1734 and then Concord in 1765. In 1853, 150 years ago, the people living there incorporated Concord as a city. In 1788, the leaders of New Hampshire approved the new federal constitution in the Old North Meeting House in Concord and, thus, New Hampshire became the ninth and ratifying state of the original thirteen. Since 1809, Concord has served as the Capital of New Hampshire and, naturally, has been the heart of political life in our state. However, the City has a proud record for being the center of commerce and transportation as well. One of its best known industries was the Abbott-Downing Company which shipped thousands of its famous stagecoaches and wagons all over the world. In addition, the granite from Concord became the cornerstone for buildings throughout the United States. Furthermore, the City was the northern hub for the railroad industry in the first half of the 20th century.

Of course, we cannot talk about this city without praising its most distinctive feature: the people of Concord. In this community, the citizens value the importance of helping one's neighbor and, thus, have long been responsible for strengthening the New Hampshire way of life. They have never been restrained in lending their talents and energy to any noble cause. The experiences of two Concord residents in the Civil War exemplifies this ethical code. On April 15, 1861, President Lincoln issued a proclamation calling for 75,000 troops to fight to preserve the Union. Within hours of learning of this announcement, Concord Police Officer Edward Sturtevant enlisted in the Army. Because he was such a natural leader, he was eventually promoted to major and later gave his life at the Battle of Fredericksburg. Harriet Patience Dame also greatly contributed during this time. At the age of 46, she offered her services as an Army Nurse. From the time of her enlistment until well after the war ended, she cared for the injured, the sick and the dying without taking one day's furlough or one day's sick leave. An exhausting schedule to be sure but one that fits the character of Concord.

This spirit continues into modern times and may be best expressed by Concord school teacher Christa McAuliffe as she was preparing to become the first teacher in space: Her message ''I touch the future, I teach'' perfectly captures the dedication which characterizes the people of this community. With that, I am proud to honor and salute them as they celebrate the 150th birthday of Concord, New Hampshire, the Capital City of the Granite State.•

HONORING DOROTHY GONZALEZ

• Mr. JOHNSON. Mr. President, I rise today to honor the late Dorothy Gonzalez, of Rapid City, SD. On February 17, Oglala Lakota College's East Wakpamni District College Center in Batesland, SD, was renamed in Dorothy Gonzalez's honor. This is an honor she richly deserves.

Dorothy had a distinguished 28 year career as an educator and administrator at Oglala Lakota College. In 1975, she became East Wakpamni District College Center's first director. She served as East Wakpamni District

College's director until 1990, before becoming He Sapa College Center's director. She was named Center Director of the Year in 1985 and 1987.

East Wakpamni District College Center being renamed in honor of Dorothy Gonzalez is wonderfully appropriate. Dorothy immensely enriched the life of countless young people in South Dakota. She was an extraordinary educator, mentor, and leader. It is an honor for me to share her accomplishments with my colleagues and to publicly commend the talent and commitment to education she always exhibited throughout her life. She was a woman of great scholarship and knowledge, and her positive influence will be felt for years to come.

Dorothy's dedication to high quality Native American education serves as her greatest legacy. Her work continues to inspire all those who knew her. Our Nation and South Dakota are far better places because of Dorothy Gonzalez's life, and while we miss her very much, the best way to honor her is to emulate the love and support she shared with others.●

RABBI MICHAEL BARENBAUM

● Mrs. BOXER. Mr. President, I rise today to honor Rabbi Michael Barenbaum on the occasion of his retirement after 27 years as senior rabbi at Congregation Rodef Sholom in San Rafael, California.

Rabbi Barenbaum is a man of great kindness and integrity who carries the Jewish values of caring and compassion with him in everything he does. With his wisdom and intelligence, he has changed thousands of lives for the better.

Under his leadership, Congregation Rodef Sholom has more than tripled in size, and its religious school has become one of the largest in Northern California. Rabbi Barenbaum has attracted thousands of worshipers, including members of other congregations and faiths, through the thoughtfulness of his sermons and the lively, informal spirit of his services.

At the same time, Rabbi Barenbaum has fostered a strong tradition of social action among his congregation. In the 1970s and 80s, he led local efforts to welcome and help settle Jewish emigres from the Soviet Union. He established a Mitzvah Day program that put nearly a thousand congregants to work on dozens of community-service programs throughout Marin County. He has been a leader in ecumenical housing, in aiding the homeless, and in bringing together clergy of all faiths to create services for people in need.

As he heads into a well-deserved retirement, Rabbi Barenbaum has said that he plans to work on establishing a Jewish hospice in the San Francisco Bay Area. After years of moving others to action, he is eager to serve as a volunteer.

Mr. President, here is a man—a real mensch. I am sure that even in retirement, Rabbi Barenbaum will continue to do wonders and inspire others for many years to come.●

TRIBUTE TO THE UNIVERSITY OF KENTUCKY BASKETBALL TEAM

● Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to our Nations's winningest college basketball program of all time, the University of Kentucky Wildcats. Earlier this month, on February 6, the UK Basketball Program celebrated its 100th anniversary.

One century later, Kentucky basketball fans in our great Commonwealth and across the country have celebrated 7 National Championships, 41 Southeastern Conference Championships, 36 All-Americans, 5 Hall of Famers, and more than 1,835 victories. UK Basketball has more wins and more NCAA Tournament appearances than any other university in the Nation. Since 1927, the UK Basketball team has had only one losing season.

To most UK Basketball fans, cheering for a Wildcat win in Rupp Arena is about much more than just basketball. The UK Basketball tradition is something all Kentuckians can be proud of. Over the past six years, Kentucky has led the Nation in average attendance even though some other schools with nationally-ranked teams have larger buildings. Many fans wait in lines for days in order to get the chance to see a game in legendary Rupp Arena.

The women and men of Kentucky are proud of the tradition of Kentucky Basketball. I am proud to represent our great Commonwealth and especially the University of Kentucky as it celebrates its basketball program's 100th anniversary.●

RECOGNIZING KLAUS WUST

● Mr. ALLEN. Mr. President, today I recognize Klaus Wust of Shenandoah County, VA, and the contribution he has made to the preservation of American history.

Mr. Wust was born in Bielefeld, Westphalia in Germany in 1925. In 1949, he received a scholarship to spend a year at Bridgewater College in Bridgewater, VA. Here he learned a great deal about the contribution German immigrants had made to the Shenandoah Valley of Virginia. He was so impressed by these achievements that he permanently settled in the Shenandoah Valley and devoted the rest of his life to researching and writing about the contributions German immigrants have made in this region of the Commonwealth.

Mr. Wust's extensive body of work serves as a primer for anyone focusing on the revolutionary period of the 1700s and early 1800s colonial era. He made a significant contribution in helping to restore American/German relations following World War II through his research and writings. He is the author of eight books, coauthor of seventeen books and dozens of articles on the history of German-Americans in the United States.

In 2002, Klaus Wust was recognized with the highest civic award authorized by the Federal Republic of Germany, the Federal Cross of Merit. The served as the Founding Director of the Museum of American Frontier Culture in Staunton, VA, and the Strasburg Museum in Strasburg, VA.

From 1957 until 1967, he served as Editor of the German language Washington Journal. Mr. Wust also served for seven years with the Leader Program of the U.S. Department of State and served as the personal interpreter for German governmental delegations visiting the United States, including the last four Chancellors.

I congratulate Mr. Wust on his impressive body of work and his commitment to preserving the history of our Nation for generations to come.●

DETROIT RANGER DISTRICT

● Mr. SMITH. Mr. President, I rise today on behalf of the residents of the City of Detroit, OR, to pay tribute and express by gratitude to the dedicated staff of the Detroit Ranger District of the United States Forest Service located in Detroit, OR—in particular the former District Ranger, Stephanie Phillips.

The City of Detroit is a small community located on one of Oregon's most popular recreational lakes, nestled in the Santiam Canyon. Surrounded on all sides by federally managed lands, Detroit is a community whose residents rely a great deal on the cooperation and effectiveness of the Forest Service for any type of economic success.

Despite a combination of natural and man-made disasters, the determined residents of Detroit and the dedicated public servants of the Detroit Ranger District, led by Ranger Phillips, mixed steely resolution with true grit to begin a process that will ensure the long-term sustainability of this small community.

The level of appreciation for the staff of Forest Service can be best characterized by a certificate recently presented to the Detroit Ranger District which read: ''In appreciation and recognition of the Detroit Ranger District Staff for your contributions as a team of dedicated professionals in service to the general public, but especially to the local communities of Detroit and Idanha. We applaud your participation with the technical support for Detroit Lake area. We thank you for your advocacy in all of the Federal Lakes Recreation local projects.''

Mr. President, I would like to add my words of appreciation for those in the Detroit Ranger District for their dedication to the public good. The City of Detroit still faces many challenges. But I am confident that they will succeed. While the public servants of our Federal agencies are often faceless and nameless to us in Congress, many are

considered friends and partners in the communities they serve.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT REQUIRED BY THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT ON THE EMERGENCY REGARDING PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—PM 17

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 25, 2003.*

MESSAGE FROM THE HOUSE

At 2:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the pursuant to 22 U.S.C. 1928a, and the order of the House of January 8, 2003, the Speaker appoints the following members of the House of Representatives to the United States Group of the North Atlantic Assembly: Mr. BEREUTER of Nebraska, Chairman Mr. REGULA of Ohio, Mr. HEFLEY of Colorado, Mr. GILLMOR of Ohio, Mr. GOSS of Florida, Mr. EHLERS of Michigan, Mr. MCINNIS of Colorado, Mr. BILIRAKIS of Florida.

MEASURES REFERRED

The Committee on Finance was discharged from further consideration of the following measure which was referred to the Committee on Health, Education, Labor, and Pensions:

S. 389. A bill to increase the supply of quality child care.

The Committee on the Judiciary was discharged from further consideration of the following measure which was referred to the Committee on Rules and Administration:

S. Res. 65. A resolution authorizing expenditures by the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1195. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Central Marketing Area (DA–01–07)'' received on February 12, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1196. A communication from the Administrator, Dairy Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Northeast and Other Marketing Areas (DA–00–03)'' received on February 12, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1197. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Exemption for Shipments of Tree Run Citrus (Doc. No. FV02–905–4 FIR)'' received on February 12, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1198. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Modifications to the Raisins Diversion Program (Doc. No. FV03–989–11FR)'' received on February 12, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1199. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Additional Opportunity for Participation in 2002 Raisin Diversion Program (Doc. No. FV02–989–5FIR)'' received on February 12, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1200. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticides; Tolerance Exemption for Polymers (FRL 7291–7)'' received on February 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1201. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pelargonic Acid (Nonanoic Acid); Exemption from the Requirement of a Pesticide Tolerance (FRL 7278–7)'' received on February 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1202. A communication from the Acting Principle Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Decanoic Acid; Exemption from the Requirement of a Pesticide Tolerance (FRL 7278–6)'' received on February 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1203. A communication from the Director, Regulations and Forms Services Division, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Abbreviation of Waiver of Training for State or Local Law Enforcement Officers Authorized to Enforce Immigration Law During a Mass Influx of Aliens (RIN 1115–AG84) (INS No. 2241–02)'' received on February 24, 2003; to the Committee on the Judiciary.

EC–1204. A communication from the Deputy General Counsel, Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Screening of Aliens and Other Designated Individuals Seeking flight Training (RIN 1105–AA80)'' received on February 20, 2003; to the Committee on the Judiciary.

EC–1205. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the report of the Proceedings of the Judicial Conference of the United States of September 24, 2002, received on February 24, 2003; to the Committee on the Judiciary.

EC–1206. A communication from the Regulations Coordinator, Office of Operations Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Health Insurance Reform: Modifications to Electronic Data Transactions and Code Sets (CMS–003–FC and CMS–0050FC) ((0938–AK64)(0938–AK96))'' received on February 14, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1207. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on February 14, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1208. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, the report of a rule entitled ''Experimental and Innovative Training (CFDA No. 84.263A)'' received on February 24, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1209. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Human Cells, Tissues, and Cellular and Tissue-Based Products Establishment Registration and Listing (Doc. No. 97N–484R)'' received on February 24, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1210. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Prescription Drug Marketing Act of 1987; Prescription Drug Amendments of 1992; Policies, Requirements, and Administrative Procedures, Delay of Effective Date (RIN0905–AC81)(Doc. No. 92N–0297)'' received on February 20, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1211. A communication from the Acting General Counsel, National Endowment for the Arts, transmitting, pursuant to law, the report of a nomination for the position of Chairman, received on February 24, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1212. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Fifth Annual Report for the Temporary Assistance for Needy Families (TANF) Program, received on February 12, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–1213. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska (Direct Final Rule) (1018–AI88)'' received on February 11, 2003; to the Committee on Energy and Natural Resources.

EC–1214. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Abandoned Mine Land Reclamation Notices (1029–AB99)'' received on February 24, 2003; to the Committee on Energy and Natural Resources.

EC–1215. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report of the Energy Information Administration's Performance Profiles of Major Energy Producers 2001 being released electronically on the World Wide Web at http://www.eia.doc.gov/emeu/perfpro/, received on February 14, 2003; to the Committee on Energy and Natural Resources.

EC–1216. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Energy Information Administration's (EIA) report entitled ''Emissions of Greenhouse Gases in the United States 2001''; to the Committee on Energy and Natural Resources.

EC–1217. A communication from the Assistant Secretary, Land and Minerals Management, Engineering and Operations Division, Mineral Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Oil and Gas Drilling Operations (1010–AC43)'' received on February 14, 2003; to the Committee on Energy and Natural Resources.

EC–1218. A communication from the Assistant Secretary, Land and Minerals Management, Engineering and Operations Division, Mineral Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Notice of Final Rule (NFR) Oil and Gas and Sulphur Operations in the Outer Continental Shelf- Document Incorporated by Reference—American Petroleum Institute's Specification 2C for Offshore Cranes (API Spec 2 C) (RIN1010–AC82)'' received on February 14, 2003; to the Committee on Energy and Natural Resources.

EC–1219. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–571 ''Health Organizations RBC Amendment Act of 2002'' received on February 14, 2003; to the Committee on Governmental Affairs.

EC–1220. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–572 ''Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002'' received on February 14, 2003; to the Committee on Governmental Affairs.

EC–1221. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–569 ''Disposal of District Owned Surplus Real Property Temporary Amendment Act of 2002'' received on February 14, 2003; to the Committee on Governmental Affairs.

EC–1222. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–570 ''Exclusive Right Agreement Time Period Temporary Amendment Act of 2002'' received on February 14, 2003; to the Committee on Governmental Affairs.

EC–1223. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–576 ''Draft Master Plan for Public Reservation 13 Approval Act of 2002'' received on February 14, 2003; to the Committee on Governmental Affairs.

EC–1224. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–573 ''Investments of Insurers Act of 2002'' received on February 14, 2003; to the Committee on Governmental Affairs .

EC–1225. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–575 ''Surname Choice Amendment Act of 2002'' received on February 14 , 2003; to the Committee on Governmental Affairs.

EC–1226. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–574 ''Housing Production Trust Fund Affordability Period Temporary Amendment Act of 2002'' received on February 14 , 2003; to the Committee on Governmental Affairs.

EC–1227. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–568 ''Insurance Compliance Self-Evaluation Privilege Act of 2002'' received on February 14, 2003; to the Committee on Governmental Affairs.

EC–1228. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report on D.C. Act 14–490 ''Carl Wilson Basketball Court Designation Act of 2002'' received on February 14, 2003; to the Committee on Governmental Affairs.

EC–1229. A communication from the Chief Financial Officer, Export-Import Bank of the United States, transmitting, pursuant to law, the Management Report required by the Chief Financial Officers Act of 1990; to the Committee on Governmental Affairs.

EC–1230. A communication from the Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, the report of the inventories of commercial positions in the Department of Transportation; to the Committee on Governmental Affairs.

EC–1231. A communication from the Deputy Director, Trade and Development Agency, transmitting, pursuant to law, the report of the United States Trade and Development Agency (USTDA) Annual Financial Audit to Congress; to the Committee on Governmental Affairs.

EC–1232. A communication from the Secretary of Labor, transmitting, pursuant to law, the 2002 Annual Report on Performance and Accountability; to the Committee on Governmental Affairs.

EC–1233. A communication from the Director, Office of Personnel Management, Workforce Compensation and Performance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Administratively Uncontrollable Overtime (3206–AJ57)'' received on February 24, 2003; to the Committee on Governmental Affairs.

EC–1234. A communication from the Director, United States Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Retirement Coverage and Service Credit Elections Available to Current and Former Nonappropriated Fund Employees'' received on February 14, 2003; to the Committee on Governmental Affairs.

EC–1235. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, General Service Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2001–12 (FAC 2001–12)'' received on February 20, 2003; to the Committee on Governmental Affairs.

EC–1236. A communication from the Director , Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled ''Post-Employment Conflict of Interest Restrictions; Revisions of Departmental Component Designations (3209–AA07)'' received on February 24, 2003; to the Committee on Governmental Affairs.

EC–1237. A communication from the Director , Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary-Indian Affairs, received on February 24, 2003; to the Committee on Indian Affairs.

EC–1238. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Health Insurance Reform; Security Standards (CMS–0049–F) (0938–AI57)'' received on February 14, 2003; to the Committee on Finance.

EC–1239. A communication from the Deputy General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Recognition of Organizations and Accreditation of Representatives, Attorneys, and Agents (2900–AI93)'' received on February 24, 2003; to the Committee on Veterans' Affairs.

EC–1240. A communication from the Deputy General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Fisher Houses and Other Temporary Lodging (2900–AL13)'' received on February 24, 2003; to the Committee on Veterans' Affairs.

EC–1241. A communication from the Deputy General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Loan Guaranty: Implementation of Public Law 107–103 (2900–AL23)'' received on February 24, 2003; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, without amendment:

S. Res. 64. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was reported on February 20, 2003, during the recess of the Senate, pursuant to a unanimous consent agreement of February 13, 2003:

By Mr. LUGAR, from the Committee on Foreign Relations: Treaty Doc. 107–8—The Moscow Treaty (Exec. Rept. No. 108–1)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF RATIFICATION

Resolved, (two thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS AND DECLARATIONS.—The Senate advises and consents to the ratification of the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions (T. Doc. 107–8, in this resolution referred to as the ''Moscow Treaty'' or ''Treaty''), subject to the conditions in section 2 and declarations in section 3.

SEC. 2. CONDITIONS.—The advice and consent of the Senate to the ratification of the Moscow Treaty is subject to the following conditions, which shall be binding on the President:

(1) REPORT ON THE ROLE OF COOPERATIVE THREAT REDUCTION AND NONPROLIFERATION ASSISTANCE.—Recognizing that implementation of the Moscow Treaty is the sole responsibility of each party, not later than 60 days after the exchange of instruments of ratification of the Treaty, and annually thereafter on February 15, the President shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report and recommendations on how United States Cooperative Threat Reduction assistance to the Russian Federation can best contribute to enabling the Russian Federation to implement the Treaty efficiently and maintain the security and accurate accounting of its nuclear weapons and weapons-usable components and material in the current year. The report shall be submitted in both unclassified and, as necessary, classified form.

(2) ANNUAL IMPLEMENTATION REPORT.—Not later than 60 days after exchange of instruments of ratification of the Treaty, and annually thereafter on April 15, the President shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report on implementation of the Treaty by the United States and the Russian Federation. This report shall be submitted in both unclassified and, as necessary, classified form and shall include—

(A) a listing of strategic nuclear weapons force levels of the United States, and a best estimate of the strategic nuclear weapons force levels of the Russian Federation, as of December 31 of the preceding calendar year;

(B) a detailed description, to the extent possible, of strategic offensive reductions planned by each party for the current calendar year;

(C) to the extent possible, the plans of each party for achieving by December 31, 2012, the strategic offensive reductions required by Article I of the Treaty;

(D) measures, including any verification or transparency measures, that have been taken or have been proposed by a party to assure each party of the other party's continued intent and ability to achieve by December 31, 2012, the strategic offensive reductions required by Article I of the Treaty;

(E) information relevant to implementation of this Treaty that has been learned as a result of Strategic Arms Reduction Treaty (START) verification measures, and the status of consideration of extending the START verification regime beyond December 2009;

(F) any information, insufficiency of information, or other situation that may call into question the intent or the ability of either party to achieve by December 31, 2012, the strategic offensive reductions required by Article I of the Treaty; and

(G) any actions that have been taken or have been proposed by a party to address concerns listed pursuant to subparagraph (F) or to improve the implementation and effectiveness of the Treaty.

SEC. 3. DECLARATIONS.—The advice and consent of the Senate to the ratification of the Moscow Treaty is subject to the following declarations, which express the intent of the Senate:

(1) TREATY INTERPRETATION.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997, relating to condition (1) of the resolution of ratification of the Intermediate-Range Nuclear Forces (INF) Treaty, approved by the Senate on May 27, 1988.

(2) FURTHER STRATEGIC ARMS REDUCTIONS.—The Senate encourages the President to continue strategic offensive reductions to the lowest possible levels consistent with national security requirements and alliance obligations of the United States.

(3) BILATERAL IMPLEMENTATION ISSUES.—The Senate expects the executive branch of the Government to offer regular briefings, including consultations before meetings of the Bilateral Implementation Commission, to the Committee on Foreign Relations and the Committee on Armed Services of the Senate on any implementation issues related to the Moscow Treaty. Such briefings shall include a description of all efforts by the United States in bilateral forums and through diplomatic channels with the Russian Federation to resolve any such issues and shall include a description of—

(A) the issues raised at the Bilateral Implementation Commission, within 30 days after such meetings;

(B) any issues related to implementation of this Treaty that the United States is pursuing in other channels, including the Consultative Group for Strategic Security established pursuant to the Joint Declaration of May 24, 2002, by the Presidents of the United States and the Russian Federation; and

(C) any Presidential determination with respect to issues described in subparagraphs (A) and (B).

(4) NONSTRATEGIC NUCLEAR WEAPONS.—Recognizing the difficulty the United States has faced in ascertaining with confidence the number of nonstrategic nuclear weapons maintained by the Russian Federation and the security of those weapons, the Senate urges the President to engage the Russian Federation with the objectives of—

(A) establishing cooperative measures to give each party to the Treaty improved confidence regarding the accurate accounting and security of nonstrategic nuclear weapons maintained by the other party; and

(B) providing United States or other international assistance to help the Russian Federation ensure the accurate accounting and security of its nonstrategic nuclear weapons.

(5) ACHIEVING REDUCTIONS.—Recognizing the transformed relationship between the United States and the Russian Federation and the significantly decreased threat posed to the United States by the Russian Federation's strategic nuclear arsenal, the Senate encourages the President to accelerate United States strategic force reductions, to the extent feasible and consistent with United States national security requirements and alliance obligations, in order that the reductions required by Article I of the Treaty may be achieved prior to December 31, 2012.

(6) CONSULTATIONS.—Given the Senate's continuing interest in this Treaty and in continuing strategic offensive reductions to the lowest possible levels consistent with national security requirements and alliance obligations of the United States, the Senate urges the President to consult with the Senate prior to taking actions relevant to paragraphs 2 or 3 of Article IV of the Treaty.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Army nomination of Col. Steven J. Hashem.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Richard M. * Norris.

Air Force nomination of Joseph P. Dibeneditto.

Air Force nomination of John C. Landreneau.

Navy nomination of Waymon J. Jackson.

Air Force nomination of Charles N. Davidson.

Air Force nomination of Thomas R. Unrath.

Army nominations beginning Thomas W. Shea and ending Thomas W. Yarborough, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Army nominations beginning Robert J. Kincaid and ending Rodney L. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Army nomination of Bradley J. Jorgensen.

Army nominations beginning Theresa S. Gonzales and ending Anthony S. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Army nominations beginning Ronald E. Ellyson and ending Sheldon Watson, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Army nominations beginning David J Cohen and ending Michael J Zapor, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Army nominations beginning Brad A * Blankenship and ending Eugene K * Webster, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Army nominations beginning Sheila R * Adams and ending Ammon * Wynn III, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Army nominations beginning Mary C * Adamschallenger and ending David A * Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Army nominations beginning Tedd S * Adair II and ending Rebecca A * Yurek, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Army nominations beginning David W Garcia and ending Terry E Raines, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Army nominations beginning Donovan G Green and ending Daniel M Williams, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Marine Corps nomination of Karl G. Hartenstine.

Marine Corps nomination of Leland W. Suttee.

Marine Corps nomination of Carlos D. Sanabria.

Marine Corps nomination of John W. Bradway, Jr.

Marine Corps nomination of Kathleen A. Hoard.

Marine Corps nomination of Jeffrey A. Fultz.

Marine Corps nomination of Eric R. McBee.

Marine Corps nominations beginning Christopher J. Ambs and ending Douglas E. Weddle, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Marine Corps nominations beginning Robert E. Cote and ending Frank L. White, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Marine Corps nominations beginning Charles W. Anderson and ending Jerry B. Schmidt, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Marine Corps nominations beginning Douglas M. Finn and ending Ronald P. Heflin, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Marine Corps nominations beginning Calvin L. Hynes and ending Charles S. Morrow, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG:

S. 433. A bill to provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce National Forests in Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 434. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 435. A bill to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. SPECTER):

S. 436. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to improve the administration and oversight of foreign intelligence surveillance, and for other purposes; to the Committee on the Judiciary.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 437. A bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 438. A bill to withdraw Federal land in Finger Lakes National Forest, New York, from entry, appropriation, disposal, or disposition under certain Federal laws; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BUNNING:

S. 439. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 440. A bill to designate a United States courthouse to be constructed in Fresno, California, as the 'Robert E. Coyle United States Courthouse'; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 441. A bill to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouses in that county; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 442. A bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes; to the Committee on Finance.

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 443. A bill to authorize the Secretary of the Interior to establish a program to inventory, evaluate, document, and assist efforts to preserve surviving United States Life-Saving Service stations; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 444. A bill to authorize the Secretary of the Army to carry out a project for flood damage reduction and ecosystem restoration for the American River, Sacramento, California, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 445. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to the Committee on Armed Services.

By Mr. BOND:

S. 446. A bill to suspend the duty on triethyleneglycol bis(2-ethyl hexanoate); to the Committee on Finance.

By Ms. LANDRIEU:

S. 447. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL:

S. Res. 64. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. HATCH (for himself and Mr. LEAHY):

S. Res. 65. A resolution authorizing expenditures by the Committee on the Judiciary; to the Committee on Rules and Administration.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. Con. Res. 8. A concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. Con. Res. 9. A concurrent resolution recognizing and congratulating the State of Ohio and its residents on the occasion of the bicentennial of its founding; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 3, a bill to prohibit the procedure commonly known as partial-birth abortion.

S. 50

At the request of Mr. JOHNSON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 50 , a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes.

S. 54

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 54, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 59

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 85

At the request of Mr. LUGAR, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 87

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 87, a bill to provide for homeland security block grants.

S. 104

At the request of Mr. HOLLINGS, the name of the Senator from Wisconsin

(Mr. KOHL) was added as a cosponsor of S. 104, a bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 140

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 140, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 152

At the request of Mr. BIDEN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 152, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 168

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 168, a bill to require the Secretary of the Treasury to mint coins in commemoration of the San Francisco Old Mint.

S. 244

At the request of Mr. ALLEN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 244, a bill to require the Secretary of the Treasury to redesign $1 Federal Reserve notes so as to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments to the Constitution, on the reverse of such notes.

S. 245

At the request of Mr. BROWNBACK, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 245, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 257

At the request of Mr. NELSON of Florida, the names of the Senator from Oregon (Mr. SMITH) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 257, a bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for there purposes.

S. 271

At the request of Mr. SMITH, the names of the Senator from Utah (Mr. HATCH), the Senator from Minnesota (Mr. DAYTON), the Senator from California (Mrs. FEINSTEIN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. GRAHAM) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 272

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 272, a bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low income Americans to gain financial security by building assets, and for other purposes.

S. 318

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 318, a bill to provide emergency assistance to nonfarm-related small business concerns that have suffered substantial economic harm from drought.

S. 330

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 330, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 346

At the request of Mr. LEVIN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 346, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements.

S. 360

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 360, a bill to amend the Internal Revenue Code of 1986 to treat natural gas distribution lines as 10-year property for depreciation purposes.

S. 361

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 361, a bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit.

S. 363

At the request of Ms. MIKULSKI, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 363, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 369

At the request of Mr. THOMAS, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 369, a bill to amend the Endangered Species Act of 1973 to improve the processes for listing, recovery planning, and delisting, and for other purposes.

S. 374

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 374, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 392

At the request of Mr. REID, the names of the Senator from Missouri (Mr. BOND) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 403

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 403, a bill to lift the trade embargo on Cuba, and for other purposes.

S. 426

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 426, a bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

S. CON. RES. 7

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. RES. 46

At the request of Mr. BINGAMAN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Mr. BREAUX), the Senator from Colorado (Mr. CAMPBELL), the Senator from Idaho (Mr. CRAPO), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 46, a resolution designating March 31, 2003, as ''National Civilian Conservation Corps Day''.

S. RES. 52

At the request of Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 52, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem.

S. RES. 62

At the request of Mr. ENSIGN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Res. 62, a resolution calling upon the Organization of American States (OAS) Inter-American Commission on Human Rights, the United Nations High Commissioner for Human Rights, the European Union, and human rights activists throughout the world to take certain actions in regard to the human rights situation in Cuba.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 434. A bill to authorize the Secretary of agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the Idaho Panhandle National Forest Improvement Act of 2003. This bill is an opportunity to provide lands for local benefits and to meet the facility needs of the Forest Service in the Silver Valley of Idaho. This bill will offer for sale or exchange administrative parcels of land in the Idaho Panhandle National Forest that the Forest Service has identified as no longer in the interest of public ownership and that disposing of them will serve the public better. The proceeds from these sales will be used to improve or replace the Forest Service's Ranger Station in Idaho's Silver Valley.

The Forest Service administrative parcels identified for disposal include the land permitted by the Granite/Reeder Sewer District on Priest Lake, Shoshone Camp in Shoshone County, and the North-South Ski Bowl, south of St. Maries.

The bill also directs the Forest Service to improve or construct a new ranger station in the Silver Valley. The current ranger station is in dire need of repair or replacement, and this will ensure my commitment to a continued and increased presence of the Forest Service in the Silver Valley.

This is a win-win situation for the taxpayers, the Forest Service, the residents of the Silver Valley, and the permittees on the parcels of land to be disposed of.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 435. A bill to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce the, ''Sandpoint Land and Facilities Act of 2003''. This bill is a unique opportunity to meet the facility needs of the Forest Service in Sandpoint, ID and to provide facilities for the local county government. This bill will transfer ownership of the local General Service Administration building currently housing the Forest Service to that agency. The bill also provides authority for the Forest Service to work with Bonner County, ID to exchange the existing building to Bonner County in exchange for a new and more functional building to the Forest Service. This transfer of ownership will not only provide the opportunity for the local Forest Service office to obtain a facility that best meets their needs but also will meet the facility needs of Bonner County.

The transfer of this facility will allow the Forest Service to improve service to the public, improve public and employee safety, make the Idaho Panhandle National Forest more financially competitive, and allow increased spending on resource programs that contribute to healthier ecosystems. In turn, Bonner County will benefit by providing to them a building that consolidates county offices so that better services can be provided to the local public, including ADA compliant access to the county courtrooms.

Additionally, the GSA will dispose of a building that is only partially occupied and is remotely located from other GSA facilities.

This is a win-win situation for the Forest Service, Bonner County, GSA, and the taxpayers and an outstanding example of the Federal Government at the local level working with the county government to create common sense solutions that result in more efficient operations and better service to the public.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. SPECTER):

S. 436. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to improve the administration and oversight of foreign intelligence surveillance, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today, joined by my good friends, Senators GRASSLEY and SPECTER, to introduce the Domestic Surveillance Oversight Act of 2003. This bill does not change or diminish any power available to the government in the pursuit of homeland security, but it does create important mechanisms to allow the Congress and the public to assess how effectively and appropriately the government is using its domestic surveillance powers.

I also rise to speak about an important bipartisan report being released today by myself, Senator SPECTER, and Senator GRASSLEY entitled ''FBI Oversight in the 107th Congress by the Senate Judiciary Committee: FISA Implementation Failures,'' ''FIF Report''. The report summarizes our joint conclusions based upon our bipartisan oversight of the FBI and DOJ's performance in using the Foreign Intelligence Surveillance Act, ''FISA'', an important tool in conducting domestic surveillance. The report distills our mutual findings and conclusions from numerous bipartisan hearings, classified briefings and other oversight activities. It concludes that the FBI continues to be in need of serious reform. The report also sets forth our bipartisan disappointment with the DOJ and FBI's non-responsiveness to our oversight efforts and the resulting necessity for better oversight tools, such as the bill we introduce today.

Our committee worked with the FBI and the Justice Department to achieve initial reforms both through administrative steps and also through legislation. Most notably, last fall we enacted a new Department of Justice charter that included some provisions of the FBI Reform Act. We need to enact the rest of that bipartisan bill.

Taken together, this bill and report represent a bipartisan statement about the importance of oversight and, where possible, sunshine on the government's domestic surveillance efforts. Only by fulfilling our constitutional responsibility to conduct such oversight, can we in Congress help to protect both the security and the liberty of the American people.

In times of national stress there is an understandable impulse for the government to ask for more power. Sometimes more power is needed, but many times it is not. After the September 11 attacks, we worked together in a bipartisan fashion and with unprecedented speed to craft and enact the USA PATRIOT Act which enhanced the government's powers.

Now, as word continues to circulate about a possible sequel to the USA PATRIOT Act that the Department of Justice is considering in secret and that supposedly would give government even more power, it is constructive for us to first examine and understand how Federal agencies are using the power they already have. We must answer two questions.

First, is that power being used effectively, so that our citizens not only feel safer, but are in fact safer?

Second, is that power being used appropriately, so that our liberties are not sacrificed?

In short, before we can craft and enact new laws, we must first make sure that the Department of Justice and FBI are properly using the laws that are already on the books. That is the purpose of enhanced Congressional oversight.

Domestic Surveillance Oversight Act:

Today, with the Senior Senator from Iowa and the Senior Senator from

Pennsylvania, I am introducing the bipartisan Domestic Surveillance Oversight Act of 2003. This bill provides basic information to Congress and the American people about the FBI's use of FISA to conduct surveillance on Americans. Such domestic surveillance is certainly appropriate in some cases, and the bill does not intrude in any way upon law enforcement or diminish its ability to conduct FISA surveillance when necessary and appropriate. Nor does it require the Department of Justice to publicly release any sensitive or classified information. Rather, it seeks reporting only on the aggregate number of FISA wiretaps and other surveillance measures directed specifically against Americans each year. In this way, the public and Congress can assess over time whether the government has turned more of its powerful surveillance techniques on its own citizens, as opposed to non-U.S. persons. If necessary, we can ask it to explain its actions.

The amendment also clarifies that the Foreign Intelligence Surveillance Court, FISC, and FISA Court of Review have the authority to adopt rules and procedures, and it requires that those rules be shared with the Intelligence and Judiciary Committees of the Senate and House of Representatives as well as the Supreme Court. In the last year, and only after requests from Senators GRASSLEY, SPECTER and myself, the FISC shared its rules with Congress for the first time. One of those rules and one which was eventually rejected by the FISA Review Court embodied a controversial legal interpretation of a provision we crafted in the USA PATRIOT Act. The Congress ought to have been immediately informed of that court rule either by the FISC or the DOJ, but it was not. It is entirely appropriate that a court be enabled to promulgate its own rules. It is entirely inappropriate that those rules be kept secret from Congress.

Consistent with national security, the bill directs the Attorney General to include in an annual public report the portions of applications to and opinions of the FISC and FISA Court of Review that contain significant legal interpretations of FISA or the Constitution. These disclosures will not include the facts of any particular case, which this provision requires to be redacted in order to preserve national security. This type of disclosure, however, will prevent secret case law from developing which interprets both FISA and the Constitution in ways unknown to the Congress and the public.

The first annual report required under this provision is also to include the same type of legal information for the four years before the year of the first report.

Finally, the bill would require a report to appropriate committees of Congress on the use of National Security Letters to request information from public libraries or libraries affiliated with high schools or universities. Such letters are functionally equivalent to an administrative subpoena and require no court approval. We have heard from members of the library community that the FBI may be returning to a discredited practice from the Hoover days of monitoring public and college libraries to ascertain what books people are reading. In fact, a media report from Vermont, which I ask consent to place in the RECORD, indicates that bookstore owners there are scared to keep records for just this reason. Again, this provision would not in any way limit the use of National Security Letters, but would merely require an annual report of such activities to Congress, so that we can ascertain whether or not these administrative subpoenas are being used for improper purposes. This section would also ensure that reports on the use of such letters are provided to all appropriate oversight committees.

This enhanced reporting is exactly what was called for by the American Bar Association in a resolution adopted on February 10, and echoed in a Washington Post editorial on February 12, 2003. As the Post editorialized, the Department of Justice ''needs to disclose how it is using the [powers] it already has. Yet the Justice Department has balked at reasonable oversight and public information requests . . . Congress should insist on a full understanding of what the [D]epartment is doing.'' I ask unanimous consent to print a copy both of the ABA resolution as well as the Washington Post editorial in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Adopted February 10, 2003:

Section of Individual Rights and Responsibilities (lead sponsor); Section of Litigation; Section of Criminal Justice, Section of Administrative Law and Regulatory Practice; Section of International Law and Practice; Section of Science and Technology Law; Young Lawyers Division.

Resolved, That the American Bar Association urges the Congress to conduct regular and timely oversight, including public hearings (except when Congress determines that the requirements of national security make open proceedings inappropriate), to ensure that government investigations undertaken pursuant to the Foreign Intelligence Surveillance Act, 50 U.S.C. 1801 et seq. (''FISA'' or ''the Act'') do not violate the First, Fourth, and Fifth Amendments to the Constitution and adhere to the Act's purposes of accommodating and advancing both the government's interest in pursuing legitimate intelligence activity and the individual's interest in being free from improper government intrusion.

Further resolved, That the American Bar Association urges the Congress to consider amendments to the Act to

(1) Clarify that the procedures adopted by the Attorney General to protect United States persons, as required by the Act, should ensure that FISA is used when the government has a significant (i.e. not insubstantial) foreign intelligence purpose, as contemplated by the Act, and not to circumvent the Fourth Amendment; and

(2) Make available to the public an annual statistical report on FISA investigations, comparable to the reports prepared by the Administrative Office of the United States Courts, pursuant to 18 U.S.C. sec. 2519, regarding the use of Federal wiretap authority.

[From the Washington Post, Feb. 12, 2003]

PATRIOT ACT: THE SEQUEL

The Justice Department's draft of a second round of law enforcement and domestic security authorities—a kind of sequel to the USA Patriot Act of 2001—offers an unintended glimpse of additional powers that the Bush administration if coveting. The draft, labeled ''CONFIDENTIAL—NOT FOR DISTRIBUTION'' and dated Jan. 9, was obtained last week by the Center for Public Integrity, Washington-based nonprofit. Department officials quickly stressed that it is not a final version. But the document's proposals may become the next battlefield in the struggle to preserve American liberties while enabling the domestic war on terrorism. The proposals range from constructive to dangerous.

A government DNA database for terrorists and suspected terrorists could be useful, though it would need refinement to protect suspects who are proved innocent. Another useful proposal would allow the special appeals court that reviews government surveillance requests in national security cases to appoint lawyers to argue against the government. Under current law, it hears only from one side. The draft would create a federal crime for terrorist hoaxes, which now must be prosecuted under provisions designed for other purposes.

But the draft contains many troubling provisions. It would further expand intelligence surveillance powers into the traditional realm of law enforcement. Like a Senate bill soon to be taken up by the Judiciary Committee, it would allow foreigners suspected of terrorism to be watched as intelligence targets—rather than subjects of law enforcement—even if they could not be linked to any foreign group or state. But it would go further. It would allow intelligence surveillance in certain circumstances even when the government could not produce any evidence of a crime. It also would allow certain snooping with no court authorization, not only—as now—when Congress declared war but when it authorized force or when the country was attacked. The result of such changes would be to magnify the government's discretion to pick the legal regime under which it investigates and prosecutes national security cases and to give it more power unilaterally to exempt people from the protections of the justice system and place them in a kind of alternative legal world. Congress should be pushing in the opposite direction.

Before the department asks Congress for more powers, it needs to disclose how it is using the ones it already has. Yet the Justice Department has balked at reasonable oversight and public information requests. In fact, the draft legislation would allow the department to withhold information concerning the identity of Sept. 11 detainees—a matter now before the courts. At the very least, Congress should insist on a full understanding of what the department is doing before granting the executive branch still more authority.

This bill does not in any way diminish the government's powers, but it does allow Congress and the public to monitor their use. We cannot fight terrorism effectively or safely with the lights turned out and with little or no accountability. It is time to harness the power of the sun to enable us to better win this fight.

FIF Report: The wisdom of this bill is also supported by our bipartisan report, which Senators SPECTER, GRASSLEY, and I also release today, based on a year of bipartisan effort.

Today's FBI oversight report focuses on the use of the immense powers granted under FISA. We expanded the government's FISA powers after September 11 in the USA PATRIOT Act, a law that all three of us had a hand in crafting.

Unfortunately our hearings, briefings and other oversight revealed that the FBI is ill-equipped to implement FISA. Nor are its problems amenable to legal ''quick fixes.'' In fact, many of these problems are not unique to the FISA context, but echo broader and more systemic problems that have plagued the FBI for years.

Here are a few of the report's basic conclusions: *Poor training*: Key FBI agents and officials were inadequately trained in important aspects of not only FISA, but also in fundamental aspects of criminal law. *Excessive secrecy*: Secrecy regarding the most basic legal and procedural aspects of the FISA have hurt, not helped, implementation of FISA. *Headquarters Bureaucracy*: FBI headquarters often not only fails to support the work of many of its best street agents, but it actually sometimes hinders them in doing their important jobs. *Culture of Quashing Criticism*: The FBI has a deep rooted culture of punishing those who point out problems. Just yesterday, in fact, a DOJ Inspector General's Report was released substantiating claims of retaliation against FBI United Chief John Roberts for his approved appearance on 60 Minutes. More troubling, these allegations involved senior officials at the FBI, including the head of the division official charged with investigating claims of misconduct in the FBI. This culture has materially hurt the FBI's intelligence operations.

Unfortunately, as our report describes in detail, we have run into many roadblocks in conducting FBI oversight. Some obstacles were due to a lack of cooperation by the Department of Justice and FBI. The FIF Report outlines many prime examples supporting the necessity of the increased reporting called for in the bill that I introduce with Senators GRASSLEY and SPECTER today. For instance, the FIF Report describes how the FISC issued an unclassified opinion last May strongly criticizing the DOJ and FBI and containing important legal interpretations of FISA and the USA PATRIOT Act amendments to it. Even after repeated requests by myself, Senator SPECTER and Senator GRASSLEY for a copy of this unclassified legal opinion, the DOJ refused to provide us one. Eventually, the FISC, not DOJ, provided us with a copy of this unclassified document and, again only at our request, copies of the FISA Court of Review's argument and opinion were made public. I hope that this resistance towards legitimate oversight will not be shown in the future.

Sunlight is the best solvent for the sticky and ineffective machinery of government, and it is the best disinfectant to discourage the abuse of power. Our comprehensive FBI oversight has revealed that there is much work to be done.

Effective oversight of the powers given to the government for homeland security means fewer blank checks, and more checks and balances.

I ask unanimous consent, that the text of the bill I am introducing, a sectional analysis, and a letter of support be printed in the RECORD.

There being no objection, the additional materials were ordered to be printed in the RECORD, as follows:

S. 436

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Domestic Surveillance Oversight Act of 2003''.

SEC. 2. IMPROVEMENTS TO FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) RULES AND PROCEDURES FOR FISA COURTS.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

''(e)(1) The courts established pursuant to subsections (a) and (b) may establish such rules and procedures, and take such actions, as are reasonably necessary to administer their responsibilities under this Act.

''(2) The rules and procedures established under paragraph (1), and any modifications of such rules and procedures, shall be recorded, and shall be transmitted to the following:

''(A) All of the judges on the court established pursuant to subsection (a).

''(B) All of the judges on the court of review established pursuant to subsection (b).

''(C) The Chief Justice of the United States.

''(D) The Committee on the Judiciary of the Senate.

''(E) The Select Committee on Intelligence of the Senate.

''(F) The Committee on the Judiciary of the House of Representatives.

''(G) The Permanent Select Committee on Intelligence of the House of Representatives.''.

(b) REPORTING REQUIREMENTS.—(1) The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is further amended—

(A) by redesignating title VI as title VII, and section 601 as section 701, respectively; and

(B) by inserting after title V the following new title:

''TITLE VI—PUBLIC REPORTING REQUIREMENT

''PUBLIC REPORT OF THE ATTORNEY GENERAL

''SEC. 601. In addition to the reports required by sections 107, 108, 306, 406, and 502, in April of each year, the Attorney General shall issue a public report setting forth with respect to the preceding calendar year—

''(1) the aggregate number of United States persons targeted for orders issued under this Act, including those targeted for—

''(A) electronic surveillance under section 105;

''(B) physical searches under section 304;

''(C) pen registers under section 402; and

''(D) access to records under section 501;

''(2) the number of times that the Attorney General has authorized that information obtained under such sections or any information derived therefrom may be used in a criminal proceeding;

''(3) the number of times that a statement was completed pursuant to section 106(b), 305(c), or 405(b) to accompany a disclosure of information acquired under this Act for law enforcement purposes; and

''(4) in a manner consistent with the protection of the national security of the United States—

''(A) the portions of the documents and applications filed with the courts established under section 103 that include significant construction or interpretation of the provisions of this Act or any provision of the United States Constitution, not including the facts of any particular matter, which may be redacted;

''(B) the portions of the opinions and orders of the courts established under section 103 that include significant construction or interpretation of the provisions of this Act or any provision of the United States Constitution, not including the facts of any particular matter, which may be redacted; and

''(C) in the first report submitted under this section, the matters specified in subparagraphs (A) and (B) for all documents and applications filed with the courts established under section 103, and all otherwise unpublished opinions and orders of that court, for the 4 years before the preceding calendar year in addition to that year.''.

(2) The table of contents for that Act is amended by striking the items for title VI and inserting the following new items:

''TITLE VI—PUBLIC REPORTING REQUIREMENT

''Sec. 601. Public report of the Attorney General.

''TITLE VII—EFFECTIVE DATE

''Sec. 701. Effective date.''.

SEC. 3. ADDITIONAL IMPROVEMENTS OF CONGRESSIONAL OVERSIGHT OF SURVEILLANCE ACTIVITIES.

(a) TITLE 18, UNITED STATES CODE.—Section 2709(e) of title 18, United States Code, is amended by adding at the end the following new sentence: ''The information shall include a separate statement of all such requests made of institutions operating as public libraries or serving as libraries of secondary schools or institutions of higher education.''.

(b) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1114(a)(5)(C) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(C)) is amended to read as follows:

''(C)(i) On a semiannual basis the Attorney General shall fully inform the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate concerning all requests made pursuant to this paragraph.

''(ii) In the case of the semiannual reports required to be submitted under clause (i) to the congressional intelligence committees, the submittal dates for such reports shall be as provided in section 507 of the National Security Act of 1947.

''(iii) In this subparagraph, the term 'congressional intelligence committees' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).''.

(c) FAIR CREDIT REPORTING ACT.—Section 625(h)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(h)(1)), as amended by section 811(b)(8)(B) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306), is further amended—

(1) by striking ''and the Committee on Banking, Finance and Urban Affairs of the House of Representatives'' and inserting '',

the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives''; and

(2) by striking ''and the Committee on Banking, Housing, and Urban Affairs of the Senate'' and inserting '', the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate''.

SECTIONAL ANALYSIS OF THE DOMESTIC SURVEILLANCE OVERSIGHT ACT OF 2003

Sec. 1. Short title. The short title of the bill is the ''Domestic Surveillance Oversight Act of 2003.''

Sec. 2. Additional Improvements to Foreign Intelligence Surveillance Act of 1978 (FISA). This section amends FISA to clarify the authority of the Intelligence Surveillance Court (FISC) and FISA Court of Review to establish such rules and procedures as are reasonably necessary for their operation.

In addition, the bill requires the FISC and FISA Court of Review to transmit such rules and procedures to the judges on the FISC and Court of Review, the Chief Justice of the U.S., and the Judiciary and Intelligence Committees of the Senate and House. Previously, these rules have not been provided to Congress as a matter of course.

This section also adds to the public reporting requirements in FISA. It directs the Attorney General (AG) to include in the annual public report the aggregate number of U.S. persons targeted for any type of order under the act.

The report will also include information about the aggregate number of times FISA is being used for criminal cases, to enhance oversight regarding the changes enacted in the USA PATRIOT Act. The report will list the number of times the AG authorized FISA information to be used in a criminal proceeding or for law enforcement purposes.

Finally, ''in a manner consistent with the protection of national security,'' this section directs the report to include the portions of applications to and opinions of the FISC and FISA Court of Review that involve significant construction or interpretation of FISA or the Constitution. Such disclosures shall not include the facts of any particular case which are to be redacted. The first annual report is to include application and opinion information for the four years preceding the year of the first report to ensure that important legal interpretations, such as FISA Court of Review opinion that was almost not made public last summer, are publicly disseminated.

Sec. 3. Additional Improvements of Congressional Oversight of Surveillance Activities. This section adds to a reporting requirement to the House and Senate Judiciary and Intelligence Committees on the use of National Security Letters. The report will include a statement of requests for information directed to public libraries or libraries affiliated with high schools and universities. The section also would ensure that current reports on the use of such letters are provided to both the intelligence and judiciary committees as well as updating the names of certain pertinent committees that receive such reports. The section would allow Congress to assess the validity of public reports that a long discredited program of domestic library surveillance is being revived.

FEBRUARY 25, 2003.

Hon. PATRICK J. LEAHY,
Senate Judiciary Committee, Russell Senate Building, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Senate Judiciary Committee, Hart Senate Building, Washington, DC.

Hon. ARLEN SPECTER,
Senate Judiciary Committee, Hart Senate Building, Washington, DC.

DEAR SENATORS LEAHY, GRASSLEY AND SPECTER: Wewrite in support of the Domestic Surveillance Oversight Act of 2003. The Foreign Intelligence Surveillance Act (FISA) authorizes secret wiretaps and secret searches of the homes and offices of Americans and other forms of data gathering for national security reasons. While the initial enactment of FISA was an appropriate accommodation of national security interests and individual rights to privacy and due process, since its initial enactment FISA has been expanded in ways that pose an increased threat to individual rights. Moreover, FISA surveillance authorities are now being used more and more; indeed, it appears that the federal government carries out more electronic surveillance under the authority of FISA than under criminal rules.

Given the absolute secrecy of FISA searches and seizures, mechanisms for public accountability are crucial to protect rights of privacy—as well as to insure effective and efficient use of this extraordinary authority. Your bill to require public accounting of the number of US persons subjected to surveillance under FISA, the number of times FISA information is used for law enforcement purposes, and to require disclosure of other information would be an important step in providing for oversight and public scrutiny of these extraordinary powers.

Disclosure of such information is important to informing the American public and will not be harmful to the national security, as it will not give any greater clues as to who is being targeted, or the scope of the anti-terrorism efforts than is already known from the Justice Department's own extensive public descriptions of those efforts.

We commend you on your leadership on this issue and look forward to working with you and your colleagues to achieve appropriate policies for responding to terrorism and other national security threats.

LAURA W. MURPHY,
Director, Washington National Office.

TIMOTHY H. EDGAR,
Legislative Counsel, American Civil Liberties Union.

JAMES X. DEMPSEY,
Executive Director, Center for Democracy and Technology.

KATE MARTIN,
Director, Center for National Security Studies.

MORTON H. HALPERIN,
Director, Open Society Policy Center.

[From the Burlington Free Press, Feb. 19, 2003]

BOOKSTORE OWNERS FIGHT DISCLOSURE ACT

(By Cadence Mertz)

The gears turned in Laurie Kettler's mind as she contemplated how the USA Patriot Act might affect the bookstore she co-owns in St. Albans.

At first, she thought The Kept Writer Bookshop & Cafe had no records that authorities could use to track what her customers are reading. Then it dawned on her. Records of online purchases stay in the system for a year. Authorities could demand those records under a provision of the USA Patriot Act passed in the wake of Sept. 11 to aid in tracking down possible terrorists.

''I guess I'm going to need to do something about that,'' Kettler said of the online records. She doesn't want that information to go to the federal government. ''It just seems like a violation of privacy.''

Efforts to prevent police from obtaining blueprints of their customers' reading habits are on other bookstore owners' minds. Michael Katzenberg, co-owner of Bear Pond Books in Montpelier, has purged lists of the books its customers buy.

Other local bookstores cheer Katzenberg's decision. They cite customer privacy and the First Amendment protecting citizens' rights to free speech. The government is over-stepping its bounds, and bookstore owners will go to lengths to protect the very law that allows authors to publish without censor.

''I support what he did, and I'm right there with him,'' said Mike DeSanto, co-owner of the Book Rack and Children's Pages in Winooski, who declined to disclose whether he has a list of his customers' reading preferences. If he did have a list, he says, he would be considering getting rid of it.

''This is wrong what they're doing,'' DeSanto said of the USA Patriot Act.

Customers at Flying Pig Books in Charlotte participate in a readers' club—after buying $100 of books patrons receive $10 off their next purchase, co-owner Josie Leavitt said. It is unlikely the bookstore would purge that record, which has the titles of customers' past purchases, because of its usefulness, Leavitt said. Customers like to have a reminder of what they have bought in the past, she said.

Faced with a request from law enforcement, Leavitt said the bookstore would refuse to turn over the information. She belongs to the American Booksellers Foundation for Free Expression, the group that helped defend a Colorado bookstore last year against just such an intrusion by law enforcement.

''That's what books are all about. Books represent freedom and if people can't read they're not free,'' Leavitt said.

The Vermont Library Association agrees. The group sent a letter to Vermont's congressional delegation describing the provisions of the USA Patriot Act pertaining to libraries and book stores as unconstitutional.

''They are dangerous steps toward the erosion of our most fundamental civil liberties,'' the October letter reads in part.

Peter Hall, U.S. attorney for Vermont, said the measure would be used only in ''very rare and limited and supervised circumstances,'' Hall said. Bookstore owners can do what they want with records of their customers' purchases, he said.

Borders Books & Music would review requests from authorities on a case-by-case basis, said Tod Gross, manager of the Burlington store. The national chain keeps no records of customer purchases, except for special orders, and those files are purged monthly, Gross said.

Two recent court cases have shown law enforcement's willingness to seek records from bookstores.

Independent counsel Kenneth Starr attempted to obtain a list of the books Monica Lewinsky had bought from a Washington, D.C. bookstore while investigating former President Bill Clinton. Law enforcement in Colorado subpoenaed a bookstore customers' purchases during a drug investigation. A Colorado Supreme Court blocked the subpoena.

Kettler, in St. Albans, said her first thoughts are for her customers' privacy. A woman seeking a book on ovarian cancer

should not have to worry her illness might be disclosed by the shopkeeper, Kettler said.

''I guess I'm going to stop keeping such meticulous records,'' she said.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 437. A bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, on behalf of Senator MCCAIN and myself I am introducing legislation today that would codify the largest water claims settlement in the history of Arizona. This bill represents the tremendous efforts of literally hundreds of people in Arizona and here in Washington over a period of five years. Looking ahead, this bill could ultimately be nearly as important to Arizona's future as was the authorization of the Central Arizona Project, CAP, itself.

Since Arizona began receiving CAP water from the Colorado River, litigation has divided water users over how the CAP water should be allocated and exactly how much Arizona was required to repay the federal government. This bill will, among other things, codify the settlement reached between the United States and the Central Arizona Water Conservation District over the state's repayment obligation for costs incurred by the United States in constructing the Central Arizona Project. It will also resolve, once and for all, the allocation of all remaining CAP water. This final allocation will provide the stability necessary for State water authorities to plan for Arizona's future water needs. In addition, approximately 200,000 acre-feet of CAP water will be made available to settle various Indian water claims in the State. The bill would also authorize the use of the Lower Colorado River Basin Development Fund, which is funded solely from revenues paid by Arizona entities, to construct irrigation works necessary for tribes with congressionally approved water settlements to use CAP water.

Title II of this bill settles the water rights claims of the Gila River Indian Community. It allocates nearly 100,000 acre-feet of CAP water to the Community, and provides funds to subsidize the costs of delivering CAP water and to construct the facilities necessary to allow the Community to fully utilize the water allocated to it in this settlement. Title III provides for long-needed amendments to the 1982 Southern Arizona Water Settlement Act for the Tohono O'odham Nation, which has never been fully implemented.

This bill will allow Arizona cities to plan for the future, knowing how much water they can count on. The Indian tribes will finally get ''wet'' water, as opposed to the paper rights to water they have now, and projects to use the water. In addition, mining companies, farmers, and irrigation delivery districts can continue to receive water without the fear that they will be stopped by Indian litigation.

While some minor issues remain, we have every confidence that these issues will be resolved as the legislation progresses. In addition, we hope that negotiations with the San Carlos Apache Tribe, the only party not yet included in the settlement, will move forward so that all claims can be resolved by this bill.

In summary, this bill is vital to the citizens of Arizona and will provide the certainty needed to move forward with water use decisions. Furthermore, the United States can avoid litigating water rights and damage claims and satisfy its trust responsibilities to the Tribes. The parties have worked many years to reach consensus rather than litigate, and I believe this bill represents the best opportunity to achieve a fair result for all the people of Arizona.

Mr. MCCAIN. Mr. President, I am pleased to join my colleague, Senator KYL, as a co-sponsor of this important legislation, the Arizona Water Settlements Act of 2003, which would ratify negotiated settlements for Central Arizona Project, CAP, water allocations to municipalities, agricultural districts and Indian tribes, state CAP repayment obligations, and final adjudication of long-standing Indian water rights claims.

These settlements reflect more than 5 years of intensive negotiations by state, Federal, tribal, municipal, and private parties. I commend all those involved in these negotiations for their extraordinary commitment and diligence to reach this final stage in the settlement process. I also praise my colleague, Senator JON KYL, and Interior Secretary Gail Norton, for their leadership in facilitating these settlements. From my experience in legislating past agreements, I recognize the enormous challenge of these negotiations, and I appreciate their personal dedication to this settlement process.

This legislation is vitally important to Arizona's future because these settlements will bring greater certainty and stability to Arizona's water supply by completing the allocation of CAP water supplies. Pending water rights claims by various Indian tribes and non-Indian users will be permanently settled as well as the repayment obligations of the State of Arizona for construction of the CAP.

I join with Senator KYL today to express support for the agreements embodied in this bill and to encourage conclusion of this settlement process in the near future. Significant progress has been made in resolving key issues since we last sponsored a bill to facilitate this agreement in the 107th Congress. Some of these key issues pertain to the final apportionment of CAP water supplies, cost-sharing of CAP construction and water delivery systems, amendment of the 1982 settlement agreement with the Tohono O'odham Nation, mitigation measures necessitated by sustained drought conditions, and equitable apportionment of drought shortages.

While this bill reflects agreements reached on a host of issues after an intensive and extended effort by the numerous parties involved, it is important to emphasize that this bill does not represent the final settlement. All parties recognize that a very limited number of the provisions of this bill may be modified as the negotiations continue. We fully expect that the legislative process will culminate with a final agreement early in the next congressional session.

Mr. President, we introduce this bill today as an expression of our strong support of the various parties to successfully achieve conclusion to this process. The Arizona Water Settlements Act will be a historic accomplishment that will benefit all citizens of Arizona, the tribal communities, and the United States.

By Mr. BUNNING:

S. 439. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; to the Committee on Finance.

Mr. BUNNING. Mr. President, the Social Security system is one of this country's most important programs. Millions of older and disabled Americans rely on their Social Security checks each month as a reliable source of income.

We all know the long-term financial problems the Social Security system faces, and it is critical that Congress enact legislation to overhaul the system as soon as possible to ensure that our children and grandchildren can rely on a robust and healthy Social Security program.

Today, I am introducing a bill, the Social Security Protection Act, that will immediately begin protecting the integrity and finances of the Social Security system by combating fraud and abuse.

Fraud and abuse in the Social Security system not only threatens its long-term viability, but it also robs money from the millions of Americans who are contributing a portion of their hard-earned paychecks each month to the program.

The Social Security Protection Act makes several common-sense and much-needed changes, including denying Social Security benefits to individuals who are fugitive felons and parole violators, creating new civil monetary penalties to combat fraud, and providing additional protections to Social Security employees while on the job.

The bill also provides additional oversight of representative payees who are appointed by the Social Security

Administration to manage the finances of beneficiaries who are unable to do so by themselves. Aside from additional oversight, the bill also imposes harsher penalties on representative payees who have misused their clients' funds, and even allows the Social Security Administration in certain circumstances to reissue misused funds to beneficiaries.

Finally, the bill makes some changes to Social Security's attorney-fee withholding process, and expands it to Supplemental Security Income claims, as well. The bill also makes some other minor and non-controversial changes to Social Security law and the Ticket to Work and Work Incentives Improvement Act of 1999.

Last year, a similar version of this legislation came close to passing Congress. I hope that we can work in a bipartisan fashion with the House of Representatives to get this legislation passed so that our Social Security system can be better protected against fraud and abuse.

By Mrs. BOXER:

S. 440. A bill to designate a United States courthouse to be constructed in Fresno, California, as the ''Robert E. Coyle United States Courthouse''; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I am pleased to introduce legislation to name the Federal courthouse building now under construction at Tulare and ''O'' Streets in downtown Fresno, CA the ''Robert E. Coyle United States Courthouse.''

It is fitting that the Federal courthouse in Fresno be named for Senior U.S. District Judge Robert E. Coyle, who is greatly respected and admired for his work as a judge and for his foresight and persistence which contributed so much to the Fresno Courthouse project. Judge Coyle has been a leader in the effort to build a new courthouse in Fresno for more than a decade.

In the course of his work, Judge Coyle, working with the Clerk of the United States District Court for the Eastern District, conceived and founded a program called ''Managing a Capitol Construction Program'' to help others understand the process of having a courthouse built. This Eastern District program was so well received by national court administrators that is now a nationwide program run by Judge Coyle.

In addition to meeting the needs of the court for additional space, the courthouse project has become a key element in the downtown revitalization of Fresno. Judge Coyle's efforts, and those in the community with whom he worked, produced a major milestone when the groundbreaking for the new courthouse took place.

Judge Coyle has had a distinguished career as an attorney and on the bench. Appointed to California's Eastern District bench by President Ronald Reagan in 1982, Judge Coyle has served as a judge for the Eastern District for 20 years, including 6 years as senior judge. Judge Coyle earned his law degree from University of California, Hastings College of the Law in 1956. He then worked for Fresno County as a Deputy District Attorney before going into private practice in 1958 with McCormick, Barstow, Sheppard, Coyle & Wayte, where he remained until his appointment by President Reagan.

Judge Coyle is very active in the community and has served in many judicial leadership positions, including: Chair of the Space and Security Committee; Chair of the Conference of the Chief District Judges of the Ninth Circuit; President of the Ninth Circuit District Judges Association; Member of the Board of Governors of the State Bar of California; and President of the Fresno County Bar.

My hope is that, in addition to serving the people of the Eastern District as a courthouse, this building will stand as a reminder to the community and people of California of the dedicated work of Judge Robert E. Coyle.

By Mrs. BOXER:

S. 441. A bill to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouses in that county; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing legislation to transfer the B.F. Sisk Federal Courthouse in Fresno, CA to the County of Fresno, when the new Federal courthouse is completed.

Fresno County is rapidly growing county in the heart of California's Great Central Valley. The County of Fresno's Superior Court has a serious need for new court space that will grow in the years ahead. The Sisk Building contains courthouses and related space that will help the people of Fresno County meet those needs. The Sisk Building's existing security measures are a perfect fit for Fresno County's justice system.

This legislation is a common sense measure that will allow appropriate utilization of the Sisk Building, while contributing to the ongoing revitalization of downtown Fresno. I am proud that it is yet another opportunity for the Federal Government to improve the lives of Fresno County's people.

By Ms. LANDRIEU:

S. 442. A bill to provide pay protection for member of the Reserve and the National Guard, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I rise today to offer legislation that will help our Nation's reservists and members of the National Guard who have been called to active duty.

Since 1991, the U.S. military has significantly scaled down its troop levels to reflect the end of the Cold War. With the reduction of active duty troops, the military has become increasingly dependent on the Reserves and National Guard to supplement troops who have been sent to deal with crises all over the world.

In addition to this, we have had to rely on an increasingly diverse group of people to fight our wars. The conflict in Afghanistan was heavily reliant on new technologies in the air and personnel intensive techniques on the ground. In order to properly execute the war on terror, we have relied on highly skilled individuals such as linguists and Civil Affairs personnel who have worked closely with the population of Afghanistan. We will have to rely on them again in Iraq. Many of these men and women have been reservists.

These two trends reflect a dramatic shift in the structure of our armed forces. Gone are the Cold War days when we had a massive military positioned all over the globe. We are now reliant on a much leaner force, which views the Reserves and National Guard as necessary components to any conflict, and not forces of last resort.

Between 1945 and 1989, a period which encompassed most of the Cold War, reservists and Guardsmen were called up four times: during the Korean War, the Berlin Crisis of 1961, the Cuban Missile Crisis, and the Vietnam War. A majority of those mobilized during this period were called up during the Korean War, when over 800,000 troops were activated to supplement the 900,000 active duty forces fighting in Korea.

Between 1990 and today, reservists and Guardsmen have been called up six separate times. Over 230,000 reservists and Guardsmen were mobilized for the Gulf War, forming nearly half of the force that drove Iraqi forces from Kuwait. Since then, reservists and Guardsmen have been activated for the Haiti Intervention, the ongoing Bosnian Peacekeeping mission, the ongoing patrol of the No Fly Zones in Iraq, the Kosovo conflict, and the War on Terrorism which has seen 151,348 reservists and Guardsmen activated in support of Operations Enduring Freedom and Noble Eagle. Many of them are in the Persian Gulf Region today.

Over the past ten years, the OPTEMPO of the Reserves has increased by fifty percent.

This OPTEMPO has had a significant strain on reservists and their families. In almost every instance, when a reservist or Guardsman is activated, their military salary is significantly smaller then their civilian salary. In many cases, service member's income is cut in half. This places a particular strain to reservists and Guardsmen as their household budget is structured by their civilian salary. The decrease in income that activation brings makes it increasingly difficult to pay the bills. Whether or not the Nation is at war, mortgages, rent, credit card debt, student loans, and other household expenses must be paid.

When we send our fighting men and women into harm's way, it is important that they concentrate on one

thing: their mission. When Guardsmen and reservists are worried about having enough money for rent of the mortgage or whether their children have enough to see a doctor, they cannot concentrate on the mission, and this becomes a readiness issue.

Many corporations volunteer to make up the difference between the military and civilian salaries of their Guardsmen and reservists. Not only do these employers sacrifice important members of their companies for national defense, they hold their jobs for them and they voluntarily choose to continue paying them. In some instances, employers have continued to provide health insurance and other benefits. This represents a significant burden that the employer has undertaken, in order to ensure that their employees and their families are taken care of during times of national emergency.

In order to alleviate the burden that these employers face and to encourage more employers to pay the difference to Reserve and Guard employees, I have drafted legislation that would provide an incentive for employers to make up the difference between the military and civilian pay of activated reservists. The Reservists and Guardsmen Pay Protection Act of 2003 provides a tax credit to employers who continue paying their service members after they are activated. It also requires the Federal Government to make up the difference between civilian and military pay for Federal employees who are activated.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 442

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reservists and Guardsmen Pay Protection Act of 2003''.

SEC. 2. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

''§ 5538. Nonreduction in pay while serving in the uniformed services

''(a) An employee who is absent from a position of employment with the Federal Government in order to perform service in the uniformed services shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

''(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

''(2) the amount of pay and allowances which (as determined under subsection (d))—

''(A) is payable to such employee for that service; and

''(B) is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

''(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

''(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

''(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service in the uniformed services.

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by such employee's employing agency;

''(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

''(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

''(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

''(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

''(f) For purposes of this section—

''(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given in section 4303 of title 38;

''(2) the term 'service in the uniformed services' has the meaning given that term in section 4303 of title 38 and includes duty performed by a member of the National Guard under section 502(f) of title 32 at the direction of the Secretary of the Army or Secretary of the Air Force;

''(3) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

''(4) the term 'basic pay' includes any amount payable under section 5304.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

''5538. Nonreduction in pay while serving in the uniformed services or National Guard.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as added by this section) beginning on or after September 11, 2001.

SEC. 3. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT ADDED TO GENERAL BUSINESS CREDIT.

(a) READY RESERVE-NATIONAL GUARD CREDIT.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:

''SEC. 45G. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year is an amount equal to 50 percent of the actual compensation amount for such taxable year.

''(b) DEFINITION OF ACTUAL COMPENSATION AMOUNT.—For purposes of this section, the term 'actual compensation amount' means the amount of compensation paid or incurred by an employer with respect to a Ready Reserve-National Guard employee on any day during a taxable year when the employee was absent from employment for the purpose of performing qualified active duty.

''(c) LIMITATIONS.—

''(1) MAXIMUM PERIOD FOR CREDIT PER EMPLOYEE.—The maximum period with respect to which the credit may be allowed with respect to any Ready Reserve-National Guard employee shall not exceed the 12-month period beginning on the first day such credit is so allowed with respect to such employee.

''(2) DAYS OTHER THAN WORK DAYS.—No credit shall be allowed with respect to a Ready Reserve-National Guard employee who performs qualified active duty on any day on which the employee was not scheduled to work (for reason other than to participate in qualified active duty).

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ACTIVE DUTY.—The term 'qualified active duty' means—

''(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for the Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

''(B) hospitalization incident to such duty.

''(2) COMPENSATION.—The term 'compensation' means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer's gross income under section 162(a)(1).

''(3) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term 'Ready Reserve-National Guard employee' means an employee who is a member of the Ready Reserve or of the National Guard.

''(4) NATIONAL GUARD.—The term 'National Guard' has the meaning given such term by section 101(c)(1) of title 10, United States Code.

''(5) READY RESERVE.—The term 'Ready Reserve' has the meaning given such term by section 10142 of title 10, United States Code.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following:

''(16) the Ready Reserve-National Guard employee credit determined under section 45G(a).''.

(c) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45F the following:

''Sec. 45G. Ready Reserve-National Guard employee credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 444. A bill to authorize the Secretary of the Army to carry out a project for flood damage reduction and ecosystem restoration for the American River, Sacramento, California, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing a bill to improve flood protection for Sacramento, CA. The flood control project authorized by this bill has been evaluated by the U.S. Army Corps of Engineers and will be conducted in accordance with the Report of the Chief of Engineers dated November 5, 2002. This is a companion bill to one that Representative MATSUI is introducing today in the House.

Currently, Sacramento has woefully inadequate flood protection. This bill would raise the existing walls of Folsom Dam by seven feet, which would substantially increase flood protection for the Sacramento region. Without this improvement, $40 billion of property, including the California State Capitol, 6 major hospitals, 26 nursing home facilities, over 100 schools, three major freeway systems, and approximately 160,000 homes and apartments, are at risk if there is a devastating flood.

For a city of its size, Sacramento falls shockingly below the flood protection that it deserves. The Folsom Mini-Raise is the critical next step in providing Sacramento necessary flood protection, enabling the system to handle storms far larger than any recorded event in the American River Watershed.

Previous plans to raise the level of the Folsom Dam called for the building of a temporary bridge to handle the traffic that would be disrupted while the Folsom Dam Road was closed during the construction project. Security concerns now warrant an indefinite closure of the Folsom Dam Road.

So, in addition to authorizing the Mini-Raise, this bill authorizes the U.S. Department of Transportation to work with the State of California to design and construct a permanent bridge west of and adjacent to Folsom Dam over the American River to replace the current two-lane road over the dam. It will alleviate security concerns by moving traffic away from the dam while still providing the thousands of area commuters with a reliable means of transportation across the river.

This bill would provide important safeguards to the people of one of the fastest growing areas in the Nation. By raising Folsom Dam and replacing the road across the dam, we can greatly increase public safety in the Sacramento area. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 444

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sacramento Public Safety Act of 2003''.

SEC. 2. FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION, AMERICAN RIVER, CALIFORNIA.

The Secretary of the Army is authorized to carry out the project for flood damage reduction and ecosystem restoration, American River, Sacramento, California, substantially in accordance with the plans, and subject to the conditions, described in the Report of the Chief of Engineers for the project dated November 5, 2002.

SEC. 3. CONSTRUCTION OF PERMANENT BRIDGE ADJACENT TO FOLSOM DAM.

(a) IN GENERAL.—As part of the project authorized by section 2, the Secretary of Transportation shall carry out a project to design and construct a bridge west of and adjacent to Folsom Dam, California. In carrying out the project, the Secretary shall also construct necessary linkages from the bridge to existing roadways.

(b) DESIGN AND CONSTRUCTION.—In designing and constructing the bridge, the Secretary shall—

(1) coordinate with the Secretary of the Army regarding the project authorized by section 2; and

(2) provide appropriate sizing and linkages to support present and future traffic flow requirements for the city of Folsom, California.

(c) GRANT ASSISTANCE.—The Secretary of Transportation shall make a grant to the State of California in an amount sufficient to pay not less than 80 percent of the cost of the project authorized by this section.

Mrs. FEINSTEIN. Mr. President, I rise in support of the legislation being introduced by my colleague from California the Sacramento Public Safety Act.

This Bill would authorize flood control protection and ecosystem restoration through a Mini-Raise of the Folsom Dam as well as authorize the design and construction of a permanent bridge to replace the road that currently runs on top of the Dam.

Providing Sacramento with flood protection is a critical public safety need. Further delays only serve to expand opportunities for a catastrophic flood.

No urban area in the United States is at higher risk of flooding than Sacramento, CA.

Located at the confluence of two major rivers, the American and Sacramento, the floodplain is home to half-a-million residents, $40 billion in property, 5,000 businesses and the necessary supporting infrastructure, all of which has less than 100-year flood protection.

With more than $30 billion in damageable property in the floodplain, the Corps of Engineers has estimated the damage from a flood would range from a minimum of $7 billion to as much as $15 billion.

As one of the largest economic engines in the world, a flood in California's capital city would effectively shut down the State's government and seriously disrupt regional commerce and transportation.

The Mini-Raise will provide Sacramento with a 213-year level of protection. It will allow the system to safely handle a storm 50 percent larger than anything ever recorded in the 3,000-year history of the American River Watershed; it will add 95,000 acre-feet of new emergency flood storage capacity to allow operators to control dam outflows in accordance to what the downstream levees can safely carry; it will bring Folsom Dam into compliance with Federal Dam safety standards; it will restore wildlife habitat along the Lower American River; and it will improve conditions for naturally spawning Steelhead and Salmon by mechanizing temperature control shutters.

The project has wide support at Federal, State, and local level. It is supported by the Army Corp of Engineers and funded in the Bush administration's budget request.

The project has bi-partisan support in Congress including Republican Congressman POMBO, as well as Democrats: ROBERT MATSUI, GEORGE MILLER, MIKE THOMPSON, and ELLEN TAUSCHER.

It has the local support of Heather Fargo, Mayor of Sacramento; Deborah Ortiz, California State Senator; Darrell Steinberg, California Assemblyman; Illa Collin, Chairman of the Sacramento County Board of Supervisors; Butch Hodkins, Executive Director of the Sacramento Area Flood Control Agency; Karolyn W. Simon, President of American River Flood Control Alliance; Donald Gerth, California State University, Sacramento; and Vicki Lee, Conservation Chair of the Sierra Club.

The bill also calls for a permanent bridge to replace the road that currently runs atop Folsom Dam. Given the recent announcement by the Bureau of Reclamation and the Department of the Interior to close the road over the Dam, the need for such a bridge has become doubly important. This bridge will serve the needs of nearly 20,000 commuters who use the Folsom Dam Road every day.

I want to thank my colleague from California for introducing this critical piece of legislation and I ask for support from the rest of the Senate.

By Ms. LANDRIEU:

S. 445. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to the Committee on Armed Services.

Ms. LANDRIEU. Mr. President, many bills were introduced in the last Congress that would lower the age at

which Reservists can receive retirement benefits. Most of these bills were met with resistance from the Department of Defense, due to cost estimates over a 10-year period. It is my hope that his Bill, the Reserve Retirement and Retention Act of 2003, will serve as a compromise measure and deliver retirement benefits to Reservists and Guardsmen at an earlier age. This legislation would lower the retirement age of a Reservist by one year for every 2-year period that he or she serves past the requisite 20 years for retirement. For example, if a Reservist should serve for 22 years, he or she could receive retirement benefits at age 59. This legislation will serve as a critical tool in encouraging the most experienced Reservists and Guardsmen to stay past the 20-year mark. It is my hope that this measure will encourage our Reservists and Guardsmen to stay in their units longer, while making their retirement benefits more generous for them and their families.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 445

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reservists Retirement and Retention Act of 2003''.

SEC. 2. ELIGIBILITY FOR RETIRED PAY FOR NONREGULAR SERVICE.

(a) AGE AND SERVICE REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

''(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

''(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed under section 12732 of this title) that are specified in the table in paragraph (2);

''(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

''(C) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

''(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

''Age, in years, is at least:	The minimum years of service required for that age is:
55	30
56	28
57	26
58	24
59	22
60	20.''.

(b) 20-YEAR LETTER.—Subsection (d) of such section is amended by striking ''the years of service required for eligibility for retired pay under this chapter'' in the first sentence and inserting ''20 years of service computed under section 12732 of this title.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to retired pay payable for that month and subsequent months.

By Ms. LANDRIEU:

S. 447. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, When the President give the order to activate reservists and National Guardsmen, the lives of those men and women are put on hold. Businesses, careers, and families are left behind so that America's interests may be served. Students make up a substantial part of our National Guard and Reserve forces. When these students are activated, it jeopardizes their academic standing, as well as their scholarships and grants. This bill would preserve their academic standing for the duration of their service as well as a one year period that follows that service. It would also preserve their scholarships and grants, as well as entitle them to a refund of unused tuition and fees. Federal law already safeguards the employment status of activated reservists and Guardsmen. It is time that we extend the same guarantee to students.

This legislation would require colleges, universities, and community colleges to grant National Guardsmen and reservists a leave of military absence when they are called to active duty. This leave of absence would last while the student is serving on active duty and a one year period at the conclusion of active service. This bill would preserve the academic credits that the student had earned before being activated. It would also preserve the scholarships and grants awarded to the student before being activated. Under this legislation, students would be entitled to receive a refund of tuition and fees or credit the tuition and fees to the next period of enrollment after the student returns from military leave. If a student elects to receive a refund, it would allow them to receive a full refund, minus the percentage of time the student spent enrolled in classes.

The protections that are already afforded our reservists and Guardsmen are appropriate considering the hardships they endure on the nation's behalf. We need to acknowledge the many college students who are in the ranks of the Guard and Reserve and extend to them the protections they deserve. In this day of uncertainty on the world stage, our reservists must be prepared to be called up at a moments notice. Thousands have already been activated for Operations Enduring Freedom, and many thousands more are either in Kuwait or on their way there. Once they get to their duty station, they need to focus all of their attention on the mission. This legislation provides our student reservists with the proper safeguards on their academic career which will allow them to accomplish their mission.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 447

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reservist Opportunities and Protection of Education Act''.

SEC. 2. LEAVE OF ABSENCE FOR MILITARY SERVICE.

(a) OBLIGATION AS PART OF PROGRAM PARTICIPATION REQUIREMENTS.—Section 487(a)(22) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(22)) is amended by inserting ''and with the policy on leave of absence for active duty military service established pursuant to section 484C'' after ''section 484B''.

(b) LEAVE OF ABSENCE FOR MILITARY SERVICE.—Part G of title IV of the Higher Education Act of 1965 is amended by inserting after section 484B (20 U.S.C. 1091b) the following new section:

''SEC. 484C. LEAVE OF ABSENCE FOR MILITARY SERVICE.

''(a) LEAVE OF ABSENCE REQUIRED.—Whenever a student who is a member of the National Guard or other reserve component of the Armed Forces of the United States, or a member of such Armed Forces in a retired status, is called or ordered to active duty, the institution of higher education in which the student is enrolled shall grant the student a military leave of absence from the institution while such student is serving on active duty, and for one year after the conclusion of such service.

''(b) CONSEQUENCES OF MILITARY LEAVE OF ABSENCE.—

''(1) PRESERVATION OF STATUS AND ACCOUNTS.—A student on a military leave of absence from an institution of higher education shall be entitled, upon release from serving on active duty, to be restored to the educational status such student had attained prior to being ordered to such duty without loss of academic credits earned, scholarships or grants awarded, or, subject to paragraph (2), tuition and other fees paid prior to the commencement of the active duty.

''(2) REFUNDS.—

''(A) OPTION OF REFUND OR CREDIT.—An institution of higher education shall refund tuition or fees paid or credit the tuition and fees to the next period of enrollment after the student returns from a military leave of absence, at the option of the student. Notwithstanding the 180-day limitation referred to in section 484B(a)(2)(B), a student on a military leave of absence under this section shall not be treated as having withdrawn for purposes of section 484B unless the student fails to return at the end of the military leave of absence (as determined under subsection (a) of this section).

''(B) PROPORTIONATE REDUCTION OF REFUND FOR TIME COMPLETED.—If a student requests a refund during a period of enrollment, the percentage of the tuition and fees that shall

be refunded shall be equal to 100 percent minus—

''(i) the percentage of the period of enrollment (for which the tuition and fees were paid) that was completed (as determined in accordance with section 484B(d)) as of the day the student withdrew, provided that such date occurs on or before the completion of 60 percent of the period of enrollment; or

''(ii) 100 percent, if the day the student withdrew occurs after the student has completed 60 percent of the period of enrollment.

''(c) ACTIVE DUTY.—In this section, the term 'active duty' has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term—

''(1) does not include active duty for training or attendance at a service school; but

''(2) includes, in the case of members of the National Guard, active State duty.''.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 64—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 64

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1, 2003, through February 28, 2005, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2003, through September 30, 2003, under this resolution shall not exceed $1,051,310.00, of which amount (1) no funds may be expended for the procurement of the services or individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $1,848,350.00, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $787,173.00, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its finding, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2003.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through February 28, 2005, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 65—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. HATCH (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary and the Committee on Rules and Administration:

S. RES. 65

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2003, through September 30, 2003; October 1, 2003, through September 30, 2004; and October 1, 2004, through February 28, 2005 in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period of March 1, 2003, through September 30, 2003, under this resolution shall not exceed $4,605,727, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(B) for the period October 1, 2003, through September 30, 2004, expenses of the committee under this resolution shall not exceed $8,110,222, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1936).

(C) For the period October 1, 2004, through February 28, 2005, expenses of the committee under this resolution shall not exceed $3,458,551, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2003, through September 30, 2003, October 1, 2003 through September 30, 2004; and October 1, 2004 through February 28, 2005, to be paid from the Appropriations account for ''Expenses of Inquires and Investigations.''

SENATE CONCURRENT RESOLUTION 8—DESIGNATING THE SECOND WEEK IN MAY EACH YEAR AS ''NATIONAL VISITING NURSE ASSOCIATIONS WEEK''

Ms. COLLINS (for himself and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 8

Whereas visiting nurse associations (VNAs) are nonprofit home health agencies that, for over 120 years, have been united in their mission to provide cost-effective and compassionate home and community-based health care to individuals, regardless of the individuals' condition or ability to pay for services;

Whereas there are approximately 500 visiting nurse associations, which employ more than 90,000 clinicians, provide health care to more than 4,000,000 people each year, and provide a critical safety net in communities by developing a network of community support services that enable individuals to live independently at home;

Whereas visiting nurse associations have historically served as primary public health care providers in their communities, and are today one of the largest providers of mass immunizations in the medicare program (delivering over 2,500,000 influenza immunizations annually);

Whereas visiting nurse associations are often the home health providers of last resort, serving the most chronic of conditions (such as congestive heart failure, chronic obstructive pulmonary disease, AIDS, and quadriplegia) and individuals with the least ability to pay for services (more than 50 percent of all medicaid home health admissions are by visiting nurse associations);

Whereas any visiting nurse association budget surplus is reinvested in supporting the association's mission through services, including charity care, adult day care centers, wellness clinics, Meals-on-Wheels, and immunization programs;

Whereas visiting nurse associations and other nonprofit home health agencies care for the highest percentage of terminally ill and bedridden patients;

Whereas thousands of visiting nurse association volunteers across the Nation devote time serving as individual agency board members, raising funds, visiting patients in their homes, assisting in wellness clinics, and delivering meals to patients;

Whereas the establishment of an annual National Visiting Nurse Association Week would increase public awareness of the charity-based missions of visiting nurse associations and of their ability to meet the needs of chronically ill and disabled individuals who prefer to live at home rather than in a nursing home, and would spotlight preventive health clinics, adult day care programs, and other customized wellness programs that meet local community needs; and

Whereas the second week in May is an appropriate week to establish as national Visiting Nurse Association Week: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the second week in May each year as ''National Visiting Nurse Association Week''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Ms. COLLINS. Mr. President, I am pleased to join my colleague from Wisconsin, Senator RUSS FEINGOLD, in submitting a resolution to establish an annual National Visiting Nurse Associations Week in honor of these health care heroes who are dedicated to service in the ultimate caring profession.

The Visiting Nurse Associations, VNAs, of today are founded on the principle that people who are sick, disabled and elderly benefit most from health care when it is offered in their own homes. Home care is an increasingly important part of our health care system today. The kinds of highly skilled—and often technically complex—services that the VNAs provide have enabled millions of our most frail and vulnerable patients to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes.

Visiting Nurse Associations are nonprofit home health agencies that provide cost-effective and compassionate home and community-based health care to individuals, regardless of their condition or ability to pay for services. VNAs literally created the profession and practice of home health care more than one hundred years ago, at a time when there were no hospitals in many communities and patients were cared for at home by families who did the best they could. VNAs made a critical difference to these families, bringing professional skills into the home to care for the patient and support the family. They made a critical difference in the late 19th century, and are making a critical difference now as we embark upon the 21st.

VNAs were pioneers in the public health movement, and, in the late 1800s, VNA responsiveness meant running milk banks, combating infectious diseases, and providing care for the poor during massive influenza epidemics. Today, that same responsiveness means caring for the dependent elderly, the chronically disabled, and the terminally ill—some of our most vulnerable citizens—and providing high-tech services previously provided in hospitals, such as ventilator care, blood transfusions, pain management and home chemotherapy.

Health care has gone full circle. Patients are spending less time in the hospital. More and more procedures are being done on an outpatient basis, and recovery and care for patients with chronic diseases and conditions has increasingly been taking place in the home. Moreover, the number of Americans who are chronically ill or disabled in some way continues to grow each year. Once again, VNAs are making a critical difference, providing comprehensive home health services and caring support to patients and their families across the country

There currently are approximately 500 VNAs nationwide. Through these exceptional organizations, 90,000 clinicians dedicate their lives to bringing health care into the homes of an estimated three million Americans every year. VNAs are truly the heart of home care in this country today, and it is time for Congress to recognize the vital services that visiting nurses provide to their patients and their families. I urge my colleagues to join Senator FEINGOLD and me in cosponsoring this resolution establishing an annual National Visiting Nurse Associations' Week.

SENATE CONCURRENT RESOLUTION 9—RECOGNIZING AND CONGRATULATING THE STATE OF OHIO AND ITS RESIDENTS ON THE OCCASION OF THE BICENTENNIAL OF ITS FOUNDING

Mr. VOINOVICH (for himself and Mr. DEWINE) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 9

Whereas Ohio was the 17th State to be admitted to the Union and was the first to be created from the Northwest Territory;

Whereas the name ''Ohio'' is derived from the Iroquois word meaning ''great river'', referring to the Ohio River which forms the southern and eastern boundaries;

Whereas Ohio was the site of battles of the American Indian Wars, French and Indian Wars, Revolutionary War, the War of 1812, and the Civil War;

Whereas in the nineteenth century, Ohio, a free State, was an important stop on the Underground Railroad as a destination for more than 100,000 individuals escaping slavery and seeking freedom;

Whereas Ohio, ''The Mother of Presidents'', has given eight United States presidents to the Nation, including William Henry Harrison, Ulysses S. Grant, Rutherford B. Hayes, James A. Garfield, Benjamin Harrison, William McKinley, William H. Taft, and Warren G. Harding;

Whereas Ohio inventors, including Thomas Edison (incandescent light bulb), Orville and Wilbur Wright (first in flight), Henry Timken (roller bearings), Charles Kettering (automobile starter), Charles Goodyear (process of vulcanizing rubber), Garrett Morgan (traffic light), and Roy Plunkett (Teflon) created the basis for modern living as we know it;

Whereas Ohio, ''The Birthplace of Aviation'', has been home to 24 astronauts, including John Glenn, Neil Armstrong, and Judith Resnick;

Whereas Ohio has a rich sports tradition and has produced many sports legends, including Annie Oakley, Jesse Owens, Cy Young, Jack Nicklaus, and Nancy Lopez;

Whereas Ohio has produced many distinguished writers, including Harriet Beecher Stowe, Paul Laurence Dunbar, Toni Morrison, and James Thurber;

Whereas the agriculture and agribusiness industry is and has long been the number one industry in Ohio, contributing $73,000,000,000 annually to Ohio's economy and employing 1 in 6 Ohioans, and that industry's tens of thousands of Ohio farmers and 14,000,000 acres of Ohio farmland feed the people of the State, the Nation, and the world;

Whereas the enduring manufacturing economy of Ohio is responsible for ¼ of Ohio's Gross State Product, provides over one million well-paying jobs to Ohioans, exports $26,000,000,000 in products to 196 countries, and provides over $1,000,000,000 in tax revenues to local schools and governments;

Whereas Ohio is home to over 140 colleges and universities which have made significant contributions to the intellectual life of the State and Nation, and continued investment in education is Ohio's promise to future economic development in the ''knowledge economy'' of the 21st century;

Whereas, from its inception, Ohio has been a prime destination for people from all corners of the world, and the rich cultural and ethnic heritage that has been interwoven into the spirit of the people of Ohio and that enriches Ohio's communities and the quality of life of its residents is both a tribute to, and representative of, the Nation's diversity;

Whereas Ohio will begin celebrations commemorating its bicentennial on March 1, 2003, in Chillicothe, the first capital of Ohio;

Whereas the bicentennial celebrations will include Inventing Flight in Dayton (celebrating the centennial of flight), Tall Ships on Lake Erie, Tall Stacks on the Ohio River, Red, White, and Bicentennial Boom in Columbus, and the Bicentennial Wagon Train across the State;

Whereas Ohio residents will celebrate 2003 as the 200th anniversary of Ohio's founding: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes and congratulates Ohio and its residents for their important contributions to the economic, social, and cultural development of the United States on the occasion of the bicentennial of the founding of the State of Ohio; and

(2) directs the Secretary of the Senate to transmit a copy of this concurrent resolution to the Governor of Ohio.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, March 4th at 2:30 p.m. in Room SD–366.

The purpose of this hearing is to receive testimony on S. 164, a bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of César Estrada Chávez and the farm labor movement; S. 328 a bill to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreation Area'', and for other purposes; S. 347 a bill to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes; S. 425 a bill to revise the boundary of the Wind Cave National Park in the State of South Dakota.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364, Washington, D.C. 20510–6150.

For further information, please contact: Tom Lillie (202–224–5161) or Pete Lucero (202–224–6293).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 25, 2003, at 9:30 a.m., in open and closed session, to receive testimony on the defense authorization request for fiscal year 2004 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 25 at 10:00 a.m. to consider the President's proposed FY 2004 budget for the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 25 at 2:00 p.m. to receive testimony regarding natural gas supply and prices.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 25, 2003, at 9:30 a.m., to hold a hearing on The State of the World Report on Hunger.

AGENDA

Witnesses:

Panel 1: Mr. James T. Morris, Executive Director, The World Food Program, United Nations, Rome, Italy; and The Honorable Andrew S. Natsios, Administrator, U.S. Agency for International Development, Department of State, Washington, DC.

Panel 2: Ms. Ellen S. Levinson, Government Relations Director, Cadwalader, Wickersham & Taft, Washington, DC; Mr. Ken Hackett, Executive Director, Catholic Relief Services, Baltimore, MD; and Dr. Joachim Von Braun, Director General, The International Food Policy Research Institute, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, February 25, 2003, at 9:30 a.m., in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 344, a bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, February 25, 2003, for a joint hearing with the House of Representatives' Committee on Veterans' Affairs, to hear the legislative presentation of the Disabled American Veterans.

The hearing will take place in room 216 of the Hart Senate Office Building at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 25, 2003 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Tuesday, February 25, 2003, at 9:30 a.m. on FAA reauthorization-airport financing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. TALENT. I ask unanimous consent that a member of my staff, Christopher Papagianis, be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—S. RES. 65 AND S. 389

Mr. TALENT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further action on S. Res. 65 and that the matter be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 389 and that the bill be referred to the Committee on Health, Education, Labor, and Pensions.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 108–3

Mr. TALENT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on February 25, 2003, by the President of the United States: Second Additional Protocol Modifying Convention with Mexico Regarding Double Taxation and Prevention of Fiscal Evasion, Treaty Document No. 108–3. I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification, the Second Additional Protocol that Modifies the Convention Between the Government of the United States of America and the Government of the United Mexican States for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Mexico City on November 26, 2002. I also transmit, for the information of the Senate, the report of the Department of State concerning the proposed Protocol.

The Convention, as amended by the proposed Protocol, would be similar to tax treaties between the United States and other developed nations. It would provide maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Protocol was concluded in recognition of the importance of the United States economic relations with Mexico.

I recommend that the Senate give early and favorable consideration to this Protocol, and that the Senate give its advice and consent to ratification.

ORDERS FOR WEDNESDAY, FEBRUARY 26, 2003

Mr. TALENT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Wednesday, February 26. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate return to executive session and resume consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. TALENT. Mr. President, on behalf of the majority leader, and for the information of all Senators, tomorrow the Senate will begin its 10th day of consideration of the Estrada nomination. Unfortunately, my colleagues on the other side of the aisle continue to prevent us from proceeding to a final vote on this extremely talented and well-qualified nominee. The majority leader has said Members should prepare for full days and evenings as we hope to bring to a close debate on this nomination. Rollcall votes are, therefore, expected during tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. TALENT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Wednesday, February 26, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 25, 2003:

NATIONAL COUNCIL ON DISABILITY

ANNE RADER, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2004, VICE KATE PEW WOLTERS, TERM EXPIRED.

UNITED STATES TAX COURT

DIANE L. KROUPA, OF MINNESOTA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE ROBERT P. RUWE, TERM EXPIRED.

MARK VAN DYKE HOLMES, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE JULIAN L. JACOBS, TERM EXPIRED.

DEPARTMENT OF STATE

GREGORY W. ENGLE, OF COLORADO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLESE REPUBLIC.

ERIC S. EDELMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

FOREIGN SERVICE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

LOUISE BRANDT BIGOTT, OF ILLINOIS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JESSAMYN FAY ALLEN, OF TEXAS
ARNALDO ARBESU ARBESU JR., OF FLORIDA
DAVID ASHLEY BAGWELL JR., OF ALABAMA
GREGORY W. BAYER, OF CONNECTICUT
MITCHELL PETER BENEDICT, OF VIRGINIA
NICHOLAS RICHARD BERLINER, OF CONNECTICUT
AUDU MARK E. BESMER, OF CONNECTICUT
LEE RUST BROWN, OF UTAH
AMY CHRISTINE CARLON, OF TEXAS
ELIZABETH EMILY DETTER, OF MARYLAND
ROBERT ANDREW DICKSON III, OF VIRGINIA
MATTHEW S. DOLBOW, OF CONNECTICUT
J. BRIAN DUGGAN, OF TEXAS
JOHN LEE ESPINOZA, OF TEXAS
JAMES DOUGLAS FELLOWS, OF MARYLAND
ROBERT WILLIAM GERBER, OF NORTH CAROLINA
CYNTHIA F. GREGG, OF WASHINGTON
KEITH LEE HEFFERN, OF VIRGINIA
J. DENVER HERREN, OF OKLAHOMA
WILLIAM DENNIS HOWARD, OF CALIFORNIA
NATHANIEL GRAHAM JENSEN, OF NEW HAMPSHIRE
WILLIAM B. JOHNSON, OF FLORIDA
ROBERT E. KEMP, OF TEXAS
HELEN GRACE LAFAVE, OF NEW HAMPSHIRE
MICHAEL JOHN LAYNE, OF NEW YORK
THOMAS ERIC LERSTEN, OF VIRGINIA
AMY MARIE MASON, OF MAINE
MIKAEL C. MCCOWAN, OF NEW YORK
KIMBERLY A. MCDONALD, OF VIRGINIA
JONATHAN ROBERT MENNUTI, OF VIRGINIA
JOAQUIN MONSERRATE-PENAGARICANO, OF FLORIDA
GLENN CARLYLE NYE III, OF VIRGINIA
JENNIFER L. RASAMIMANANA, OF CALIFORNIA
ARLISS MERRITT REYNOLDS, OF ARIZONA
KAREN E. ROBBLEE, OF NEW YORK
ROBERT C. RUEHLE, OF NEW YORK
EUGENIA MARIA SIDEREAS, OF ILLINOIS
LONNIE REECE SMYTH JR., OF TEXAS
CAROL J. VOLK, OF NEW YORK
AMY HART VRAMPAS, OF FLORIDA
CHARLES A. WINTERMEYER JR., OF WASHINGTON
KAMI ANN WITMER, OF PENNSYLVANIA
JENNIFER FOREST YANG, OF CALIFORNIA
ZAID ABDULLAH ZAID, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARC SAMUEL ABRAMSON, OF MASSACHUSETTS
JOHN GRAHAM ALEXANDER, OF VIRGINIA
STEFANIE RAQUEL ALTMAN, OF VIRGINIA
BRIAN E. ANSELMAN, OF TEXAS
SARAH LABARRE ANTHES, OF VIRGINIA
MARY SUZANNE ARCHULETA, OF COLORADO
ROCHELLE MARIE BALOUGH, OF VIRGINIA
WILLIAM R. BARBER, OF MASSACHUSETTS
DAVID C. BARNES, OF VIRGINIA
CHRISTOPHER ALBERT BARON, OF HAWAII
GINA M. BEANE, OF VIRGINIA
CLIFF R. BETTS, OF VIRGINIA
CHRISTOPHER WATKINS BISHOP, OF MISSISSIPPI
MATTHEW ANDREW BOCKNER, OF THE DISTRICT OF COLUMBIA
SUZANNE L. BODOIN, OF MASSACHUSETTS
PATRICIA A. BONOCORA, OF VIRGINIA
WALTER BRAUNOHLER, OF MICHIGAN
LAURA J. BROWN, OF VIRGINIA
RACHEL BRUNETTE, OF CALIFORNIA
DOUGLAS CAREY, OF NEW MEXICO
VINAY CHAWLA, OF NEW JERSEY
LIZA K. CHING, OF CALIFORNIA
AMY L. CHRISTIANSON, OF VIRGINIA
MICHAEL A. CLASSICK, OF OREGON
MICHAEL CLAUSEN, OF NEW YORK
CAROLYN HOPE COBERLY, OF THE DISTRICT OF COLUMBIA
ANNE SOPHIE COLEMAN, OF ILLINOIS
CHRISTINA K. COLLINS, OF VIRGINIA
PATRICK DANIEL CONNELL, OF MASSACHUSETTS
ROSE CHUPKA COOKMAN, OF VIRGINIA
PAUL M. CUNNINGHAM, OF CONNECTICUT
DAVID J. DALY, OF VIRGINIA
SARAH R. DELL, OF VIRGINIA
LOREN DENT, OF VIRGINIA
MARSHALL CLARK DERKS, OF VIRGINIA
REBEKAH DRAME, OF CALIFORNIA
SUNNYE C. DURHAM, OF VIRGINIA
T. ALAN ELROD, OF WYOMING
SARAH R. ELSBERG, OF COLORADO
TIMOTHY EYDELNANT, OF NEW YORK
ERIC G. FLAXMAN, OF TEXAS
MORGAN LYNN FLO, OF VIRGINIA
PETER JAMES GANSER, OF VIRGINIA
THOMAS GARCIA, OF VIRGINIA
MATTHEW GARDNER, OF THE DISTRICT OF COLUMBIA
ERIC GEELAN, OF NEW YORK
KATHLEEN D. GIBILISCO, OF CALIFORNIA
JOHN H. GIMBEL IV, OF NEVADA
JENNIFER CORNEY GOFF, OF VIRGINIA
DIANE G. GORDON, OF MARYLAND
NIKOLAS E. GRANGER, OF WASHINGTON
CHRISTOPHER R. GREEN, OF TEXAS
TRAVER GUDIE, OF ARIZONA
JONATHAN ALEXANDER HABJAN, OF CALIFORNIA
JASON EDWARD HAHN, OF NEW YORK
CHARLES JEFFREY HAMILTON, OF UTAH
DARRIEN SCOTT HANEY, OF TEXAS
RICHARD F. HANRAHAN JR., OF ILLINOIS
GARY HARRINGTON, OF KENTUCKY
MICHAEL V. HAYDEN JR., OF VIRGINIA
LESLIE DIANE HEATH, OF TEXAS
INGA HEEMINK, OF TEXAS
LAWRENCE R. HENDERSON, OF VIRGINIA
ROBERT C. HOBACK, OF VIRGINIA
ELEANOR C. HODGES, OF VIRGINIA
ROBERT F. HOMMOWUN, OF CALIFORNIA
D. IAN HOPPER, OF VIRGINIA
AARON E. HUDSON, OF VIRGINIA
JOHN J. IBARRA, OF TEXAS
ROBERT M. JENKINS, OF VIRGINIA
JOHN E. JOHNSON, OF WASHINGTON
KAREN M. JOYCE, OF CALIFORNIA
DEBORAH J. KANAREK, OF CALIFORNIA
JAMES DAVID KAY, OF WASHINGTON
MARK EVANS KENDRICK, OF TEXAS
WENDY ANNE KENNEDY, OF WASHINGTON
BRIAN P. KLEIN, OF VIRGINIA
STEPHEN CHRISTIAN KOCHUBA, OF PENNSYLVANIA
ERIN ELIZABETH KOTHEIMER, OF NEW YORK
SANDRA ANNE LABARGE, OF WASHINGTON
SARAH LAGIER, OF VIRGINIA
MICHAEL LARRALDE, OF VIRGINIA
RACHEL LEATHAM, OF THE DISTRICT OF COLUMBIA
ROSABELLE T. LEGRAND, OF VIRGINIA
AMY CATHERINE LENK, OF MINNESOTA
JAMES V. LIDDLE, OF THE DISTRICT OF COLUMBIA
AARON LUSTER, OF ARKANSAS
KENNETH R. MAYER, OF VIRGINIA
TIFFANY LAVERN MCGRIFF, OF NEW JERSEY
PATRICIA ANN MEEKS, OF VIRGINIA
TETA MARIA MOEHS, OF VIRGINIA
DANIELLE MONOSSON, OF CALIFORNIA
MICHAEL J. MORELL, OF VIRGINIA
NINA MORRIS, OF THE DISTRICT OF COLUMBIA
MICHAEL A. MULIERI, OF MARYLAND
NICHOLAS S. NAMBA, OF CONNECTICUT
BRIANA LEIGH OLSEN, OF WASHINGTON
SUSAN M. ORR, OF MARYLAND
CLARE O'SULLIVAN, OF VIRGINIA
DANTE PARADISO, OF MASSACHUSETTS
CAROLINE G. PERKINS, OF VIRGINIA
LAURA SUZANNE PERKINS, OF THE DISTRICT OF COLUMBIA
AMANDA PILZ, OF CALIFORNIA
JOSEPH PORTO, OF VIRGINIA
LINDA J. POTOTSKY, OF VIRGINIA
JAMES H. POTTS, OF VIRGINIA
SUZANA PSENICNIK, OF CALIFORNIA
MICHELE RAFFINO, OF VIRGINIA
JAY R. RAMAN, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER RICHARD REYNOLDS, OF NEW JERSEY
JENNIFER THERESA ROBINSON, OF VIRGINIA
CARLOS G. SALAS, OF VIRGINIA
AARON BEERS SAMPSON, OF MINNESOTA
JOSEPH KEIJI SAUS, OF VIRGINIA
JULIE P. SEIBERT, OF THE DISTRICT OF COLUMBIA
TARYN L. SEYER, OF VIRGINIA
THEODORE J. SILVER, OF VIRGINIA

BARRY W. SLIWINSKI, OF MARYLAND
JEFFREY B. SMITH, OF TEXAS
ALEXANDRIA MAURY STABLER, OF NEW YORK
CHAD I. STEVENS, OF THE DISTRICT OF COLUMBIA
JACK D. SUGARMAN, OF VIRGINIA
DAVID S. SYRVALIN, OF VIRGINIA
NILS E. TALBOT, OF VIRGINIA
ERIC H. TRAUPE, OF VIRGINIA
NATHANIEL S. TURNER, OF MARYLAND
SONIA FRANCELA URBOM, OF WASHINGTON
CALVIN F. VAN OURKERK, OF WASHINGTON
NEAL VERMILLION, OF WISCONSIN
MICHAEL A. VIA, OF ARIZONA
ERIKA VILLEGAS, OF THE DISTRICT OF COLUMBIA
TANYA GANT WARD, OF WASHINGTON
JENNIFER D. WASHELESKI, OF THE DISTRICT OF COLUMBIA
DRAKE WEISERT, OF VIRGINIA
ADAM P. WEST, OF ILLINOIS
WILLIAM WARTHEN WHITAKER, OF ALASKA
DAVID SIDNEY WILLIAMS, OF CALIFORNIA
KENNETH E. WILLIAMS, OF VIRGINIA
DALE RICHARD WRIGHT, OF CALIFORNIA
NOELLE O. WRIGHT-YOUNG, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBERS OF FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

WALTER B. DEERING, OF FLORIDA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DEPARTMENT OF STATE

KATHLEEN HATCH ALLEGRONE, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER-MINISTER:

TONI CHRISTIANSEN-WAGNER, OF COLORADO

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ANNE H. AARNES, OF WASHINGTON
HILDA MARIE ARELLANO, OF TEXAS
LILIANA AYALDE, OF MARYLAND
JONATHAN M. CONLY, OF VIRGINIA
J. MICHAEL DEAL, OF CALIFORNIA
KENNETH C. ELLIS, OF VIRGINIA
DAWN M. LIBERI, OF FLORIDA
KIERTISAK TOH, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DAVID RUSSELL ADAMS, OF VIRGINIA
JONATHAN STUART ADDLETON, OF FLORIDA
DARRYL T. BURRIS, OF FLORIDA
LETITIA KELLY BUTLER, OF TEXAS
PAUL G. EHMER, OF WASHINGTON
PATRICK C. FLEURET, OF VIRGINIA
WILLIAM HAMMINK, OF FLORIDA
DAVID WILLIAMS HESS, OF CALIFORNIA
JAY KNOTT, OF OREGON
HARRY M. LIGHTFOOT SR., OF MARYLAND
ALEXANDRIA LEE PANEHAL, OF OHIO
RUDOLPH THOMAS, OF VIRGINIA
ANTHONY N. VANCE, OF VIRGINIA
PAUL E. WEISENFELD, OF THE DISTRICT OF COLUMBIA
PAMELA A. WHITE, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

EDWARD W. BIRGELLS, OF TEXAS

IN THE COAST GUARD

UNDER SECTION 188, TITLE 14, U.S. CODE, THE FOLLOWING NAMED OFFICERS OF THE UNITED STATES COAST GUARD TO BE MEMBERS OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADES INDICATED:

To be commander

PAUL S. SZWED, 0000

To be lieutenant commander

MELINDA D. MCGURER, 0000
BRIGID M. PAVILONIS, 0000

To be lieutenant

DARELL SINGLETERRY, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOYCE A. ADKINS, 0000
DOUGLAS A. APSEY, 0000
RICHARD A. ASHWORTH, 0000
JEFFREY L. BRYANT, 0000
MARIEJOCELYNE CHARLES, 0000
ALAN L. DOERMAN, 0000
HOWARD T. HAYES, 0000
KIRK C. MAYNARD, 0000
ANTHONY F. OKOREN JR., 0000
THOMAS M. RICE, 0000
PHIL L. SAMPLES, 0000
SEAN P. SCULLY, 0000
DANNY G. SEANGER, 0000
STEVEN A. WILSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

PAUL L. CANNON, 0000
CHARLES N. DAVIDSON, 0000
NORMAN DESROSIERS JR., 0000
IRA M. FLAX, 0000
ROBERT A. GALLAGHER, 0000
DANA E. GROVER, 0000
RICHARD M. HALL, 0000
GARY S. * LINSKY, 0000
MICHAEL J. LOVETT, 0000
STEVEN A. SCHAICK, 0000
CASSANDRA O. THOMAS, 0000
RONALD UNDERWOOD, 0000
CHERRI S. WHEELER, 0000
FRANK A. YERKES JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

MARTIN ALEXIS, 0000
RONNY G. ALFORD, 0000
DANIEL H. ATCHLEY, 0000
STEVEN E. BLACK, 0000
STEVEN J. BYRNES, 0000
PATRICK J. CLARK, 0000
JANELLE E. COSTA, 0000
STEVEN D. DAMANDA, 0000
ROBERT A. DAWSON, 0000
JAMES H. DIENST, 0000
TRACY G. DILLINGER, 0000
DEBORAH A. DOWNES, 0000
DAVID DUQUE, 0000
RICHARD W. FARNUM, 0000
JERRI L. FLETCHER, 0000
JOSE M. FONSECA RIVERA, 0000
PAUL R. GARDETTO, 0000
JEFFREY C. GILLEN, 0000
FRANK A. GLENN, 0000
FRANK J. GODSHALL, 0000
MARY K. * GOOD, 0000
LARRY D. GUDGEL, 0000
ROBERT C. HALL, 0000
DAVID A. HAMMIEL, 0000
JAMES T. HARCARIK, 0000
KAREN M. HOUSE, 0000
JEFFERY A. JOHNSON, 0000
WILLIAM A. KIEFFER, 0000
MICHAEL T. KINDT, 0000
ANDREA R. KRULL, 0000
RANDALL L. * LANGSTEN, 0000
WENDY M. LARSON, 0000
SUBRINA V. S. LINSCOMB, 0000
MEGAN MCCORMICK, 0000
NAOMI P. MCMILLAN, 0000
JAMES A. MULLINS, 0000
TIMOTHY D. * NELSON, 0000
HANS V. RITSCHARD, 0000
CHRISTOPHER S. ROBINSON, 0000
JOSEPH S. ROGERS, 0000
SHELIA P. SCOTT NEUMANN, 0000
SCOTT C. G. SHEPARD, 0000
LEE D. SHIBLEY, 0000
ROBERT L. TAYLOR JR., 0000
ANGELA V. THRASHER, 0000
JOSEPH G. WEAVER, 0000
PATRICIA K. WELCH, 0000
KRISTA K. WENZEL, 0000
KERSHAW L. WESTON, 0000
PAUL G. WILSON, 0000
JEROME E. WIZDA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

JOHN J. ABBATIELLO, 0000
KENNETH F. ABEL, 0000
DAVID ABERCROMBIE, 0000
MARK A. ABRAMSON, 0000
DALE R. ADDINGTON, 0000
MICHAEL A. ADDISON JR., 0000
REX E. ADEE, 0000
KEVIN P. ADELSEN, 0000
ANDREW J. ADRIAN, 0000
ROY ALAN C. AGUSTIN, 0000
STEPHEN AHRENS, 0000
DERRICK A. AIKEN, 0000
ARCADIO ALANIZ JR., 0000
SUSAN R. ALANIZ, 0000
TERESA M. ALESCH, 0000
JAMES E. ALEXANDER, 0000
WILLIAM S. ALEXANDER, 0000
ALEE R. ALI, 0000
RODGER C. ALLEM, 0000
DIANE BREIVIK ALLEN, 0000
JAMES T. ALLEN, 0000
JONAS C. ALLMAN, 0000
MATTHEW G. ANDERER, 0000
WILLIAM D. ANDERSEN, 0000
ALBERT J. ANDERSON, 0000
BRUCE P. ANDERSON, 0000
DAVID J. ANDERSON, 0000
DAVID T. ANDERSON, 0000
DONALD R. ANDERSON, 0000
EUGENE S. ANDERSON, 0000
JEFFREY L. ANDERSON, 0000
JOHN H. ANDERSON, 0000
JON K. ANDERSON, 0000
THEODORE B. ANDERSON, 0000
THOMAS M. ANDERSON, 0000
TIMOTHY A. ANDERSON, 0000
TIMOTHY J. ANDERSON, 0000
TERENCE S. ANDRE, 0000
MICHAEL J. ANGWIN, 0000
RICHARD J. ANTOLIK JR., 0000
TIMOTHY M. APPLEGATE, 0000
BRENDA S. ARMSTRONG, 0000
DIANE M. ARNOLD, 0000
MICHAEL J. ARNOLD, 0000
MARVIN A. AROSTEGUI, 0000
WILLIAM C. ARTHUR, 0000
CHRISTINE H. ASHENFELTER, 0000
JOHN M. ASKEW, 0000
CHRISTOPHER L. ATTEBERRY, 0000
GREG H. AULD, 0000
KURT L. AUSTIN, 0000
MARK A. AUSTIN, 0000
MARK A. AVERY, 0000
DAVID S. BABYAK, 0000
STEVEN E. BACHELOR, 0000
DAVID M. BACHLER, 0000
KENNETH W. BACKES, 0000
THOMAS N. BAILEY, 0000
MARK A. BAIRD, 0000
MATTHEW C. BAKER, 0000
CHRISTOPHER P. BAKKE, 0000
REGIS J. BALDAUFF, 0000
DAVID D. BALDESSARI, 0000
RICHARD L. BALTES, 0000
MATTHEW W. BAMPTON, 0000
NEAL L. BANIK, 0000
DARWYN O. BANKS, 0000
GEORGE A. BARBER JR., 0000
DIETER E. BAREIHS, 0000
JAMES E. BARGER, 0000
DAVID R. BARKDULL, 0000
BARRY K. BARKER, 0000
KAREN L. BARLOW, 0000
THOMAS E. BARRETT III, 0000
WILLIAM M. BARRETT, 0000
GEORGE C. BARTH, 0000
ALEXANDER R. BARTHE, 0000
FRANCESCA BARTHOLOMEW, 0000
PHILIP J. BARTON, 0000
ALAN J. BARYS, 0000
EDWARD J. BASNETT, 0000
HARIDEV S. BASUDEV, 0000
RONALD J. BATTERSBY, 0000
KENNETH J. BAUER, 0000
MICHAEL J. BAUER, 0000
PAUL D. BAUER, 0000
JAMES R. BAUMGARDNER, 0000
PATRICK J. BAUMHOVER, 0000
EDWIN S. BAYBA, 0000
JOHN T. BAYNES JR., 0000
LONNY E. BEAL, 0000
ALAN K. BEATY, 0000
JOHN P. BEAUCHEMIN, 0000
THOMAS BECHT, 0000
ROBERT D. BECKEL JR., 0000
DAVID T. BECKWITH, 0000
MARK BEDNAR, 0000
MARY A. BEHNE, 0000
THOMAS W. BEHNKE, 0000
JON A. BELIVEAU, 0000
GARY W. BELL, 0000
DONALD F. BELLINGHAUSEN, 0000
BARRY D. BENNETT JR., 0000
CLAY BENTON, 0000
CHRISTOPHER A. BERES, 0000
BRETT E. BERG, 0000
CRAIG N. BERG, 0000
MITCH L. BERGER, 0000
WILLIE A. BERGES, 0000
WILLIAM S. BERNER, 0000
MICHAEL C. BERNERT, 0000
JAMES B. BERRY, 0000
LAURA W. BERRY, 0000
WILLIAM A. BERRY, 0000
JOSEPH J. BERTE III, 0000
DAVID ALLEN BETHANY, 0000
MICHAEL P. BETTNER, 0000
PAUL E. BIANCHI, 0000
JOHN D. BIEGGER, 0000
BRENT D. BIGGER, 0000
BRADFORD LEE BINGAMAN, 0000
DANIEL J. BIRRENKOTT, 0000
ROBERT J. BLAIR II, 0000
ROBERT B. BLANKE, 0000

DAVID P. BLANKS, 0000
DAVID W. BLIESNER, 0000
SONNY P. BLINKINSOP, 0000
PETER J. BLOOM, 0000
ROBERT S. BLUE, 0000
KENNETH G. BOCK, 0000
ERIC A. BOE, 0000
ROBERT BOLHA, 0000
JOHN A. BOLIN, 0000
BRADLEY J. BOLSTAD, 0000
CRAIG L. BOMBERG, 0000
MILDRED E. BONILLALUCIA, 0000
JOE B. BONORDEN, 0000
KEITH P. BOONE, 0000
DAVID M. BOOTS, 0000
STEVEN M. BORDEN, 0000
LINDSEY J. BORG, 0000
LAURENCE C. BOSTROM, 0000
ANDREW R. BOUCK, 0000
SCOTT J. BOURGEOIS, 0000
MARK A. BOVA, 0000
DAVID E. BOYER, 0000
KEITH M. BOYER, 0000
WILLIAM D. BRACKEN, 0000
MARK T. BRADLEY, 0000
MICHAEL H. BRADY, 0000
MICHAEL D. BRAMHALL, 0000
MATTHEW C. BRAND, 0000
RICHARD H. BRANNAN JR., 0000
JEFFREY G. BRANTING, 0000
DAVID SCOTT BREED, 0000
MACK L. BREELAND, 0000
JOHN M. BRIGHT, 0000
KENNETH W. BROCKMANN, 0000
SEAN C. BRODERICK, 0000
JOHN P. BROOKER, 0000
KEVIN B. BROOKER, 0000
GARY S. BROOKS, 0000
HAROLD E. BROSOFSKY, 0000
BYRON K. BROUSSARD, 0000
BENJAMIN B. BROWN, 0000
CYNTHIA ANN THON BROWN, 0000
EDWARD R. BROWN, 0000
ELIZABETH A. BROWN, 0000
ERIC D. BROWN, 0000
JEFFREY D. BROWN, 0000
JEFFREY G. BROWN, 0000
LAWRENCE E. BROWN, 0000
MARK W. BROWN, 0000
MICHAEL A. BROWN, 0000
STEPHEN E. BROWN, 0000
BRENTON L. BROWNING, 0000
STEPHEN M. BROWNING, 0000
JAY E. BRUHL, 0000
LAWRENCE A. BRUNDIDGE, 0000
ARCHIBALD E. BRUNS, 0000
JAMES W. BRUNS, 0000
ALAN R. BUCK, 0000
RONALD D. BUCKLEY, 0000
JOHN T. BUDD, 0000
ERIC N. BUECHELE, 0000
SHERRY M. BUNCH, 0000
SUZANNE C. BUONO, 0000
RANDALL D. BURKE, 0000
ALAN R. BURKET, 0000
ROLANDA BURNETT, 0000
JOHN P. BURNS, 0000
MICHAEL R. BURTON, 0000
JOHN M. BUSCH, 0000
WILLIAM C. BUSCH, 0000
RHETT L. BUTLER, 0000
ARTURO M. BUXO, 0000
DEBORAH A. CAFARELLI, 0000
DAVID A. CAFFEE, 0000
JOSEPH H. CAGLE, 0000
SCOTT E. CAINE, 0000
KATHLEEN D. CALLAHAN, 0000
PAUL M. CALTAGIRONE, 0000
DAWN M. CAMPBELL CURRIE, 0000
JOHN J. CAPOBIANCO, 0000
JOSEPH J. CAPPELLO JR., 0000
MANUEL A. CARDENAS, 0000
CARL C. CARHUFF, 0000
PAUL J. CARLIN, 0000
LEWIS H. CARLISLE, 0000
LISA A. CARNEY, 0000
RUSSELL G. CARRIKER, 0000
ORAN Y. CARROLL, 0000
DAVID M. CARTER, 0000
EDWARD V. CASSIDY, 0000
DOUGLAS C. CATO JR., 0000
MIKE S. CAUDLE, 0000
SEAN M. CAVANAUGH, 0000
PAUL E. CAVE, 0000
DANNY A. CECIL, 0000
JAMES M. CENEY, 0000
MARK D. CERROW, 0000
JACK M. CESSNA, 0000
WALTER S. D. CHAI, 0000
JAMES E. CHAPMAN, 0000
JOSEPH F. CHAPMAN, 0000
GEORGE G. CHAPPEL JR., 0000
BRADY C. CHEEK, 0000
EVANGELINE M. CHEEKS, 0000
JOHN T. CHENEY, 0000
JULIAN M. CHESNUTT, 0000
MICHAEL R. CHISHOLM, 0000
STANLEY F. CHMURA JR., 0000
TIMOTHY C. CHUSTZ, 0000
CHARLES A. CIUZIO, 0000
GREGORY W. CLARK, 0000
MURRAY R. CLARK, 0000
RANDALL J. CLARK, 0000
ROBERT W. CLARK, 0000
ROLAND D. CLARK, 0000
JON E. CLAUNCH, 0000
JOSEPH L. CLAVIN, 0000
GREGORY S. CLAWSON, 0000
TIMOTHY R. CLAYTON, 0000
PETER C. CLEMENT, 0000
JOSEPH G. * CLEMONS, 0000
ROBERT V. I. CLEWIS, 0000
NEAL A. CLINEHENS, 0000
STEPHEN D. CLUTTER, 0000
KENNETH E. COBURN, 0000
GEORGE A. COGGINS, 0000
MARK A. COLBERT, 0000
ROBERT M. COLEMAN, 0000
MICHAEL L. COLLAT, 0000
THOMAS J. CONNARE, 0000
MARK S. CONNOLLY, 0000
ROFTIEL CONSTANTINE, 0000
RICHARD H. CONVERSE, 0000
KATHLEEN A. COOK, 0000
DOUGLAS E. COOL, 0000
JACK R. COOLEY, 0000
MARY M. COOLEY, 0000
WILLIAM T. COOLEY, 0000
JAMES M. COON, 0000
TIMOTHY M. COONS, 0000
GARY L. COOPER II, 0000
THEODORE A. CORALLO, 0000
HERBERT L. CORK III, 0000
KAREN M. CORRENTE, 0000
ROBERT COSTA, 0000
DANIEL S. COSTELLO JR., 0000
JOHN E. COULAHAN JR., 0000
RONALD C. COURNOYER, 0000
SHANE P. COURVILLE, 0000
RICHARD A. COVENO, 0000
JEFFREY L. COWAN, 0000
STEVEN A. COWLES, 0000
DOUGLAS A. COX, 0000
JAMES H. CRAFT, 0000
KENNETH B. CRAIB JR., 0000
KEVIN L. CRAIG, 0000
GEORGE S. CRAWFORD, 0000
BRET A. CRENWELGE, 0000
RORY C. CREWS, 0000
ANDREW A. CROFT, 0000
YELLIXA Z. CRUZ, 0000
STEVEN R. CSABAI, 0000
EARL F. CULEK, 0000
JAMES P. CUMMINGS, 0000
CHARLES J. CUNNINGHAM, 0000
HARMON H. CURRY JR., 0000
HENRY L. CYR, 0000
MARK G. CZELUSTA, 0000
DAVID W. CZZOWITZ, 0000
DANNY P. DAGHER, 0000
DAVID H. DAHL, 0000
MILES D. DAHLBY, 0000
PETER J. DAHLIN, 0000
STEPHEN M. DALE, 0000
JOHN V. DALLIN III, 0000
MARK T. DAMIANO, 0000
PETER DAMICO, 0000
THOMAS E. DANEK JR., 0000
GARY R. DANIELSON, 0000
MARK S. DANIGOLE, 0000
ELISA L. DANTONIO, 0000
PHILIPPE R. DARCY, 0000
MICHAEL J. DARGENIO, 0000
CHARLES W. DARNELL JR., 0000
KEITH R. DASTUR, 0000
KELLIE L. DAVILA MARTINEZ, 0000
BRADFORD C. DAVIS, 0000
JAMES A. DAVIS, 0000
KATHY B. DAVIS, 0000
MICHEAL D. DAVIS, 0000
REGINALD F. DAVIS, 0000
RICKY A. DAVIS, 0000
ROBERT D. DAVIS, 0000
ROBERT R. DAVIS, 0000
STEPHEN L. DAVIS, 0000
MICHAEL T. DAVISON, 0000
AMY L. DAYTON, 0000
KEVIN G. DECKARD, 0000
DOUGLAS D. DECKER, 0000
SCOTT E. DECKER, 0000
FREDERICK DEFRANZA, 0000
BRADEN P. DELAUDER, 0000
JOHN C. DELBARGA, 0000
MARK D. DELONG, 0000
NICHOLAS J. DEMARCO, 0000
BYRON G. DEMBY, 0000
CHARLES E. DENMARK, 0000
JOSEPH B. DENNIS, 0000
RICHARD M. DENTON, 0000
WAYNE M. DESCHENEAU, 0000
ERNEST J. DESIMONE, 0000
ROBERT A. DESTASIO, 0000
DOUGLAS M. DEUITCH, 0000
MICHELE A. DEWERTH, 0000
DAVID L. DEY, 0000
ANGEL A. DIAZ, 0000
ROLANDO DIAZ JR., 0000
CRAIG ALAN DICUS, 0000
QUENTIN J. DIERKS, 0000
MARK S. DIERLAM, 0000
TODD A. DIERLAM, 0000
STEVEN D. DIESSNER, 0000
JAMES E. DILLARD, 0000
LEVENCHI L. DINGLE, 0000
DAVID C. DISIPIO, 0000
RHEA E. DOBSON, 0000
WAYNE S. DOCKERY, 0000
DAVID M. DOE, 0000
JOHN J. DOHERTY, 0000
PATRICK J. DOHERTY, 0000
PETER A. DONNELLY, 0000
RICHARD E. DONNELLY, 0000
JIMMY D. DONOHUE, 0000
PAMELA S. DONOVAN, 0000
THOMAS R. DOSTER, 0000
ANTONIO T. DOUGLAS, 0000
ROBERT A. DOUGLAS, 0000
JAMES K. DRAKE, 0000
WILLIAM D. DRIES JR., 0000
DANIEL A. DRISCOLL, 0000
MERVIN C. DRISKELL, 0000
JOHN F. DROHAN, 0000
KENNETH E. DUCK, 0000
JAMES R. DUDLEY, 0000
VALERIE LYNN DUFFY, 0000
STERLING K. DUGGER, 0000
ANDREW G. DUNNAM, 0000
ERIN B. DURHAM, 0000
STEVEN A. DUTKUS SR., 0000
DUNCAN A. DVERSDALL, 0000
MICHAEL J. DWYER, 0000
DAVID B. EASLEY, 0000
ROBERT M. EATMAN, 0000
JAMES DAVID EATON III, 0000
PAUL B. EBERHART, 0000
JUAN C. ECHEVERRY, 0000
JAMES R. ECHOLS, 0000
JAMES K. ECK, 0000
JAMES E. EDMONDS, 0000
GLORIA J. EDWARDS, 0000
TRENT H. EDWARDS, 0000
ROBERT S. EHLERS JR., 0000
DAVID G. EHRHARD, 0000
LAWRENCE A. EICHHORN, 0000
TIMOTHY A. EICHHORN, 0000
MARK H. EICHIN, 0000
JOHN T. EICHNER, 0000
LINDA L. EISEL, 0000
GOLDA T. ELDRIDGE JR., 0000
GEOFFREY S. ELLAZAR JR., 0000
RAYMOND A. ELLIOTT, 0000
PATRICK M. ELLIS, 0000
WILLIAM A. ELLIS, 0000
CARSON A. ELMORE, 0000
ALBERT M. ELTON II, 0000
KIRK E. EMIG, 0000
TODD W. ENDERSON, 0000
SCOTT A. ENOLD, 0000
JERI A. ERGINKARA, 0000
MARK A. ERICKSON, 0000
BLAINE E. ESCOE, 0000
ROBERT P. ESSAD, 0000
ROBERT E. EUBANKS, 0000
DAVID P. EVANS, 0000
MATTHEW E. EVANS, 0000
TODD R. EVANS, 0000
ROBERT S. FANEUFF, 0000
JOYCE D. FARAH, 0000
GEORGE R. FARFOUR, 0000
PAUL M. FARKAS, 0000
TIMOTHY A. FARRELL, 0000
WILLIAM E. FARRELL, 0000
JEFFREY E. FASON, 0000
ROBERT S. FAULK JR., 0000
SCOTT A. FAWAZ, 0000
RUSSELL D. FELLERS, 0000
JAMES A. FELLOWS, 0000
TIMOTHY J. FENNELL, 0000
SCOTT A. FENSTERMAKER, 0000
MICHAEL A. FERRIS, 0000
JOSEPH T. FETSCH, 0000
DIANE C. FICKE, 0000
CHRISTOPHER E. FINDALL, 0000
MERRILL P. FINK, 0000
CHARLES E. FIQUETT, 0000
BRADLEY J. FISHEL, 0000
TYRON FISHER, 0000
WILLIAM D. FISHER, 0000
PHILIP R. FITTANTE, 0000
ROBERT P. FLEISHAUER, 0000
KEITH W. FLETCHER, 0000
LEE A. FLINT III, 0000
THOMAS A. FLORING, 0000
JEFFREY J. FLORY, 0000
MARK E. FLUKER, 0000
MICHAEL J. FOLKERTS, 0000
NEAL D. FONTANA, 0000
CHRISTOPHER E. FORSETH, 0000
ROGER L. FORSYTHE, 0000
JOSEPH C. FORTNEY, 0000
MYRON K. FORTSON, 0000
HARRY A. FOSTER, 0000
JACKSON L. FOX, 0000
LAURENT J. FOX, 0000
SCOTT M. FOX, 0000
PAUL R. FRANCIS, 0000
CEPHAS L. FRANKLIN, 0000
ANTHONY C. FRANZEL, 0000
BERNADETTE I. FRASER, 0000
DARREN A. FRASER, 0000
GERALD A. FREDERICK JR., 0000
FRANK FREEMAN III, 0000
THOMAS H. FREEMAN, 0000
JONATHAN B. FRENCH, 0000
JOSEPH P. FRIERS, 0000
SEAN M. FRISBEE, 0000
CHRIS T. FROEHLICH, 0000
JAMES A. FROM, 0000
BRYAN A. KEA FUJIMOTO, 0000
WALTER J. FULDA, 0000
STACY A. K. FURCINI, 0000
DOUGLAS A. FURST, 0000
ARNOLD CHARLES FUST, 0000
MICHAEL W. GAAL, 0000
GREGORY S. GADDIS, 0000
JOHN D. GALLOWAY, 0000
RICHARD K. GANNON, 0000
KEVIN L. GARDNER, 0000
PETER M. GARDZINA, 0000

CHRISTOPHER A. GARRETT, 0000
DAVID S. GARRETT, 0000
JAMES A. GARRETT, 0000
STEPHEN A. GARSTKA, 0000
JAMES P. GATES, 0000
KENNETH E. GATES, 0000
WILLIAM B. GAUTIER, 0000
DAVID A. GEESEY, 0000
ANDREW J. GENCO, 0000
ADAM C. GEORGE, 0000
SCOT B. GERE, 0000
SCOTT C. GERICKE, 0000
DANIEL W. GERNERT, 0000
DARREN P. GIBBS, 0000
DAVID J. GIBSON, 0000
ALEXANDER V. GICZY, 0000
SHEILA M. GILLIARD, 0000
COLLEEN A. GILMOUR, 0000
ANDREW T. GILROY, 0000
JANET A. GIRTON, 0000
KEVIN B. GLENN, 0000
PAUL D. GLOYD, 0000
DONAVAN E. GODIER, 0000
JERRY C. GOFF, 0000
JAMES P. GOLDEN, 0000
MACE CLARK GOLDEN, 0000
DAVID B. GOLDSTEIN, 0000
GERALD V. GOODFELLOW, 0000
TERRY L. GOODRICH, 0000
JAMES A. GORDON, 0000
MITCHELL R. GORDON, 0000
JOHN R. GORDY II, 0000
JOHN C. GORLA JR., 0000
ANNE L. GORNEY, 0000
GREGORY S. GORSKI, 0000
GARY J. GOTTSCHALL, 0000
GLENN L. GRAHAM, 0000
KEITH A. GRAHAM, 0000
WILLIAM V. GRAHAM, 0000
DEBRA J. GRAVELLE, 0000
ROBERT S. GRAVES, 0000
PHILIP T. GRECO, 0000
FREDERICK D. GREGORY JR., 0000
SANDRA M. GREGORY, 0000
GORDON C. GRIFFIN, 0000
DANIEL T. GRILLONE, 0000
JAMES W. GRISWOLD, 0000
MARY E. GRISWOLD, 0000
STEVEN M. GRISWOLD, 0000
KAREN L. GROTH, 0000
RONALD L. GROVE, 0000
FUSUN S. K. GRUMBACH, 0000
DARYL W. GUILL, 0000
GREGORY M. GUILLOT, 0000
JON E. GULLETT, 0000
BRUCE F. GUNN, 0000
TONY D. GURNEY, 0000
GREGORY M. GUTTERMAN, 0000
MATTHEW E. HABER, 0000
MICHAEL J. HADY, 0000
MICHAEL W. HAFER, 0000
DONALD M. HALE JR., 0000
THOMAS W. HALE, 0000
STEPHEN R. HALL, 0000
TIMOTHY J. HALL, 0000
TIMOTHY J. HALLORAN, 0000
STEPHEN T. HAMILTON, 0000
DOUGLAS S. HAMMEN, 0000
JAMES R. HAMPSHIRE, 0000
DANIEL J. HAMPTON, 0000
DANIEL B. HANCOCK, 0000
WILLIAM P. HANCOCK, 0000
KERRY D. HANES, 0000
HUGH J. HANLON, 0000
JAMES F. HANLON, 0000
JAMES M. HANSCOM, 0000
ALLEN D. HANSEN, 0000
DARREN T. HANSEN, 0000
DAVID S. HANSEN, 0000
JOHN M. HANSEN, 0000
RALPH S. HANSEN, 0000
TIMOTHY A. HANSEN, 0000
DAVID F. HARDY, 0000
JAMES W. HARDY, 0000
LESLIE L. HARGETT, 0000
LORING C. HARKEY, 0000
DOUGLAS M. HARLOW, 0000
CHRISTOPHER D. HARNESS, 0000
CHRISTOPHER P. HARPER, 0000
SEAN P. HARRINGTON, 0000
ALLAN D. HARRIS, 0000
KEITH W. HARRIS, 0000
MARK W. HARRIS, 0000
PAUL D. HARRIS, 0000
RICHARD A. HARRIS JR., 0000
ROBERT H. HARRISON JR., 0000
DARREN E. HARTFORD, 0000
CURTIS J. HARVEY, 0000
JOSEPH M. HARVEY, 0000
MARK C. HARYSCH, 0000
DENNIS E. HASKIN, 0000
SCOTT A. HATFIELD, 0000
CLARENCE E. HAUCK, 0000
ANTHONY L. HAUGRUD, 0000
SCOTT M. * HAVERKATE, 0000
DANIEL F. HAWKINS, 0000
TIMOTHY P. HAYNIE, 0000
BRADLEY F. HAYWORTH, 0000
BRADLEY L. HEBING, 0000
ANDREW G. HECHT, 0000
BARBARA J. HEINLEIN, 0000
ROBERT D. HELGESON, 0000
JAY B. HELMING, 0000
JOSEPH W. HENDERSON, 0000
BRENT S. HENDRICKS, 0000
TIM V. HENKE, 0000
SUZANN HENSLEY, 0000
STEVEN W. HERMAN, 0000
BRIAN G. HERMANN, 0000
GREGORY A. HERMSMEYER, 0000
GUSTAVO A. HERNANDEZ, 0000
CARY A. HERRERA, 0000
MARGARET A. HERRING, 0000
TIMOTHY L. HERSHBERGER, 0000
JEFFREY M. HESS, 0000
ROBERT M. HESSIN, 0000
TERRY J. HESTERMAN, 0000
JAMES R. HETHERINGTON, 0000
TROY D. HEWGLEY, 0000
DAVID S. HIDINGER, 0000
JOHN M. HIGGINS, 0000
KEVIN R. HIGHFIELD, 0000
ERIC W. HITTMEIER, 0000
DEREK S. HO, 0000
ELLIE HO, 0000
DANIEL M. HODGKISS, 0000
LAWRENCE M. HOFFMAN, 0000
SCOTT B. HOFFMAN, 0000
DEREK R. HOFFNUNG, 0000
ERIK E. HOIHJELLE, 0000
JOHN J. HOKAJ, 0000
ALEXANDER L. HOLDER, 0000
JEFFREY K. HOLIFIELD, 0000
DALE A. HOLLAND, 0000
BLAINE S. HOLMAN, 0000
DANIEL F. HOLMES, 0000
CHRISTOPHER J. HOPE, 0000
STEVEN T. HORMEL, 0000
ALBERT B. HORNSBY III, 0000
RICHARD H. HOUGHTON, 0000
EDDIE R. HOWARD, 0000
RANDALL L. HOWARD, 0000
ROBERT M. HOWARD III, 0000
CHARLES C. HOWELL, 0000
LESLIE D. HOWELL, 0000
SCOTT A. HOWELL, 0000
DENNIS M. HOWRY, 0000
THOMAS J. HUDD, 0000
PETER G. HUDDLE, 0000
KENNETH W. HUDELSTON III, 0000
PETER J. HUGHES, 0000
RUSSELL R. HULA, 0000
SHAWN D. HULLIHEN, 0000
LISA J. HUMMLER, 0000
JENNIFER A. HUMMON, 0000
FREDERICK E. HUMPHREY, 0000
ROBERT L. HUNKELER II, 0000
ROBERT P. HUNT JR., 0000
TERRY E. HUNTER, 0000
THOMAS K. HUNTER JR., 0000
KENNETH F. HUTCHISON, 0000
HIROSHI N. IKEDA, 0000
MICHAEL T. IMBUS, 0000
GARY K. INGHAM, 0000
ALLEN B. INGLE, 0000
PETER J. IVERSEN, 0000
JACQUELINE R. JACKSON, 0000
THOMAS E. JACKSON, 0000
TRACY E. JACKSON, 0000
YOLANDA JACKSON, 0000
SCOTT E. JAMES, 0000
MARC S. JAMISON, 0000
STEVEN J. JANECZKO, 0000
CLARENCE E. JANSON, 0000
DOUGLAS L. JANTZEN, 0000
JOSEPH MICHAEL JANUKATYS, 0000
DOUGLAS W. JAQUISH, 0000
CHARLENE D. JEFFERSON, 0000
DEREK A. JEFFRIES, 0000
DANIEL K. JENKINS, 0000
DAVID L. JENSEN, 0000
CURTIS E. JOHANSON, 0000
BARRY K. JOHNSON, 0000
BRIAN D. JOHNSON, 0000
GREGORY C. JOHNSON, 0000
JAMES S. JOHNSON, 0000
KIRK P. JOHNSON, 0000
ORESTE M. JOHNSON, 0000
TATE A. JOHNSON, 0000
TODD S. JOHNSTON, 0000
ALAIN L. M. JONES, 0000
JACQUELINE H. JONES, 0000
TONISH E. JONES, 0000
TRACY A. JONES, 0000
RICHARD J. JORGENSEN, 0000
KEVIN D. JOST, 0000
MICHAEL S. JOYAL, 0000
DAVID J. JULAZADEH, 0000
SHANNON D. JURRENS, 0000
EMIL B. KABBAN, 0000
STEVEN T. KAEGI, 0000
EDWIN W. KALER III, 0000
PHYLLIS L. KAMPMEYER, 0000
DAVID H. KANESHIRO, 0000
SAMUEL S. KANG, 0000
RUSTAM KARMALI, 0000
MICHAEL B. KATKA, 0000
JOSEPH C. KATUZIENSKI, 0000
THOMAS J. KAUTH, 0000
CHARLES B. KEARNEY III, 0000
SUSAN B. KEFFER, 0000
KIRK L. KEHRLEY, 0000
STANFORD K. KEKAUOHA, 0000
LORETTA A. KELEMEN, 0000
ROBERT B. KELLAS, 0000
STEPHEN L. KELLER, 0000
JOHN J. KELLEY, 0000
JEFFREY W. KELLY, 0000
ANTOINETTE T. KEMPER, 0000
DAVID C. KENNEDY, 0000
JONATHAN P. KENNEDY, 0000
THOMAS J. KENNEY, 0000
JEFFREY D. KERSTEN, 0000
DOUGLAS J. KIESER, 0000
JOHN F. JOS KIESLER, 0000
JACK E. KING JR., 0000
JAMES R. KING JR., 0000
NEDIM KIRIMCA, 0000
BRIAN W. KIRKWOOD, 0000
KENNETH S. KLEIN, 0000
JENNIFER M. KLEINSCHMIDT, 0000
MARK R. KLING, 0000
FREDERICK M. KMIECIK, 0000
MATTHEW A. KMON, 0000
KEVIN J. KNECHT, 0000
ANTONE A. KNETTER, 0000
TAMMY M. KNIERIM, 0000
JACK T. KNIGHT JR., 0000
MALLORY P. KNIGHT, 0000
JEFFRY D. KNIPPEL, 0000
JOEL E. KNISELY, 0000
MICHAEL R. KOBOLD, 0000
TAMI L. KOBOLD, 0000
THOMAS J. KOBYLARZ, 0000
STEVEN M. KOKORA, 0000
ROBERT E. KOLES, 0000
ALAN L. KOLLIEN, 0000
ANNE M. KONNATH, 0000
MONICA KOPF, 0000
JAMES M. KORMANIK, 0000
HOWARD N. KOSHT, 0000
DANIEL A. KOSIN, 0000
JOHN F. KOSMAN, 0000
RICHARD D. KOSOBUCKI, 0000
PATRICK J. KOSTRZEWA, 0000
JAMES F. KOTT, 0000
WILLIAM J. KRALIK, 0000
EDWARD R. KRAMER, 0000
KEVIN C. KRAUSE, 0000
SCOTT A. KRAUSE, 0000
PETER A. KRAWCZYK, 0000
DENNIS L. KREPP, 0000
ERIC J. KREUL, 0000
JEFFREY B. KROMER, 0000
DAVID A. KRUMM, 0000
PAUL M. KUCHAREK, 0000
STEVEN T. KUENNEN, 0000
DIANA L. KUHN, 0000
CHRISTOPHER T. KUKLINSKI, 0000
PATRICK T. KUMASHIRO, 0000
SUZANNE S. KUMASHIRO, 0000
LYNDEN C. KUNZ, 0000
SHIAONUNG D. KUO, 0000
FRANK J. KUSKA, 0000
EDGAR J. LABENNE, 0000
BURNETT F. LACHANCE, 0000
BRUCE A. LACHARITE, 0000
DEO A. LACHMAN, 0000
KENNETH E. LACY, 0000
MARK D. LAFOND, 0000
JOEL T. LAGASSE, 0000
JEFFREY A. LAMB, 0000
SCOTT A. LAMB, 0000
STEPHEN C. LAMB, 0000
BRUCE A. LAMBERT, 0000
HENRI C. LAMBERT, 0000
PETER J. LAMBERT, 0000
GERALD F. LANAGAN, 0000
TODD R. LANCASTER, 0000
JAMES A. LANCE, 0000
ROBIN H. LANDERS, 0000
ANDREW J. LANDOCH, 0000
CHERYL L. LANKE, 0000
JOSEPH LANZETTA, 0000
DALE B. LARKIN, 0000
PATIENCE C. LARKIN, 0000
MARK H. LARSEN, 0000
JOSEPH M. LASK, 0000
ALAN P. LAURSEN, 0000
ALAN J. LAVERSON, 0000
JUDITH A. LAW, 0000
RICHARD E. LAWRENCE JR., 0000
GLEN K. LAWSON, 0000
KELLY A. LAWSON, 0000
RANDOLPH S. LAWSON, 0000
RICHARD C. LEATHERMAN, 0000
RICHARD D. LEBLANC, 0000
MICHAEL A. LECLAIR, 0000
CHRIS P. LEE, 0000
STEVEN W. LEGRAND, 0000
WILLIAM S. LEISTER, 0000
BODEN J. LEMAY, 0000
HELEN M. LENTO, 0000
BRENDA K. LEONG, 0000
JOSEPH A. LESS, 0000
CHRISTOPHER N. LEWIS, 0000
MICHAEL A. LEWIS, 0000
PETER A. LEWIS, 0000
ROBERT C. LIGHTNER, 0000
ROBERT P. LINARES, 0000
LAWRENCE LIND, 0000
WALTER J. LINDSLEY, 0000
TIMOTHY G. LITTLE, 0000
JACK R. LOCKHART, 0000
JEFFREY L. LONG, 0000
SCOTT C. LONG, 0000
PATRICK J. LORZING, 0000
SARA L. LOUGHRAN, 0000
MARK R. LOVEJOY, 0000
WAYNE R. LOVELESS, 0000
TODD A. LOVELL, 0000
MICHAEL G. LOWRY, 0000
MARK C. LUCHS, 0000
CHRISTOPHER J. LUEDTKE, 0000
STUART A. LUM, 0000
TAMMY K. LUNDBORG, 0000
EDWARD R. LYLE, 0000
MICHAEL P. MAAG, 0000
ROBERT P. MACDONALD, 0000
JEFFREY MACEACHRON, 0000
DAVID R. MACKENZIE, 0000

MARY E. MACLEOD, 0000
STEVEN A. MACUT, 0000
VINCENT MADRID, 0000
DAVID L. MAHER, 0000
JEFFREY MALCOLM, 0000
ANGEL M. MALDONADO, 0000
VICTOR L. MALLOY, 0000
MICHAEL N. MALOY, 0000
BRYAN S. MANES, 0000
BRENDA P. MANGENTE, 0000
HOLLY R. MANGUM, 0000
ROBERT W. MANN, 0000
TIMOTHY J. MANNING, 0000
GEORGE W. MARCHESSEAULT, 0000
FRED H. MARHEINE JR., 0000
LISA M. T. MARKGRAF, 0000
THOMAS A. MARKLAND, 0000
BRENT P. MARKOWSKI, 0000
TIMOTHY M. MARKS, 0000
THOMAS ANTHONY MAROCCHINI, 0000
ALLEN M. MARSHALL JR., 0000
JAMES A. MARSHALL, 0000
CHRISTOPHER S. MARTIN, 0000
JOSEPH D. MARTIN, 0000
STEVEN G. MARTIN, 0000
RAMIRO MARTINEZ, 0000
DAVID A. MARTINSON, 0000
DAVID W. MARTTALA, 0000
MARK S. MARYAK, 0000
MICHAEL A. MARZEC, 0000
SCOTT M. MASER, 0000
MICHAEL L. MASON, 0000
RODNEY M. MASON, 0000
GRIFFITH S. MASSEY, 0000
KEVIN P. MASTIN, 0000
LIA MASTRONARDI, 0000
BYRON P. MATHEWSON, 0000
TIMOTHY J. MATSON, 0000
MARK J. MATSUSHIMA, 0000
RICHARD W. MATTON JR., 0000
RANDY A. MAULDIN, 0000
HAROLD J. MCALDUFF, 0000
PAUL J. MCANENY, 0000
JOHN D. MCCAULEY, 0000
RICHARD D. MCCOMB, 0000
RICHARD I. MCCOOL, 0000
TODD G. MCCREADY, 0000
JANI L. MCCREARY, 0000
ROBERT A. MCCRORY JR., 0000
ERICK D. MCCROSKEY, 0000
MARK C. MCCULLOHS, 0000
MICHAEL B. MCDANIEL, 0000
CHRISTOPHER C. MCDONALD, 0000
DANIEL J. MCDONALD, 0000
JOHN P. MCDONNELL, 0000
JOSEPH P. MCDONNELL, 0000
DAVID V. MCELVEEN, 0000
EUGENE L. MCFEELY, 0000
JAMES A. MCGANN, 0000
JENNY A. MCGEE, 0000
GAY M. MCGILLIS, 0000
JAMES R. MCGINN, 0000
MILES L. MCGINNIS, 0000
THOMAS R. MCGRAW, 0000
SCOTT E. MCKINNEY, 0000
MARTIN G. MCKINNON, 0000
PATRICK K. MCLEOD, 0000
CATHERINE G. MCLOUD, 0000
LOUIS E. MCNAMARA JR., 0000
STEVEN D. MCNEELY, 0000
ROSS T. MCNUTT, 0000
STACY S. MCNUTT, 0000
ANNE C. MCPHARLIN, 0000
TIMOTHY E. MCPHARLIN, 0000
SHANNON P. MEADE, 0000
TRACEY M. MECK, 0000
THOMAS C. MEDARA, 0000
RONALD S. MEDLEY, 0000
RACHEL M. MEEK, 0000
DONALD S. MEEKER, 0000
PABLO F. MELENDEZ, 0000
EDWARD C. MELTON III, 0000
ROBERT C. MENARD, 0000
TERRY L. MENELEY, 0000
DAVID S. MERRIFIELD, 0000
MICHAEL S. METRUCK, 0000
JEFFREY D. METZ, 0000
TAL W. METZGAR, 0000
MARK A. MEYER, 0000
MICHAEL B. MEYER, 0000
RUSSELL W. MEYER, 0000
THOMAS L. MICK, 0000
RAYMONE G. MIJARES, 0000
GALEN W. MILLARD, 0000
MICHAEL A. MILLER, 0000
RICHARD R. MILLER, 0000
STEPHEN R. MILLER, 0000
TERRY R. MILLER, 0000
RICKY L. MILLIGAN, 0000
MICHAEL A. MINIHAN, 0000
BRIAN K. MISIAK, 0000
MICHELE RM MITCHELL, 0000
THOMAS L. MITCHELL JR., 0000
ADAM M. MLOT, 0000
JEFFREY L. MOLER, 0000
ROBERT M. MONARCH, 0000
RAFFAELE A. MONETTI, 0000
ANTHONY D. MONINSKI, 0000
WAYNE R. MONTEITH, 0000
RICHARD A. MOON, 0000
CAROLYN A. MOORE, 0000
KENNETH R. MOORE, 0000
HIRAM A. MORALES JR., 0000
HUMBERTO E. MORALES, 0000
ERIC MORGAN, 0000
CHRISTINA M. MORRIS, 0000
MARK R. MORRIS, 0000
GREGORY J. MORRISON, 0000
PATRICK L. MORROW, 0000
CHARLES C. MORSE, 0000
SAMUEL P. MORTHLAND, 0000
SCOTT E. MOSER, 0000
LISA C. MOSHIER, 0000
EUGENE B. MOTY JR., 0000
SEAN MOULTON, 0000
RICHARD S. MOUNTAIN, 0000
ANDRE J. MOUTON, 0000
PAMELA A. MOXLEY, 0000
MARY E. MOYNIHAN, 0000
WALTER C. MOYNIHAN, 0000
MAUREEN C. * MURPHY, 0000
MICHAEL L. MURPHY, 0000
THOMAS E. MURPHY, 0000
JUDIANNA MURRAY, 0000
KEVIN R. MURRAY, 0000
ROGER S. MURRAY, 0000
SCOTT F. MURRAY, 0000
SCOTT L. MUSSER, 0000
CHARLES H. MYERS, 0000
GREGORY A. MYERS, 0000
LYNDA D. MYERS, 0000
NICHOLAS S. MYERS JR., 0000
RUSSELL S. MYERS, 0000
WILLIAM A. NACE, 0000
DAVID S. NAHOM, 0000
MICHAEL F. NAHORNIAK, 0000
DOUGLAS R. NARMOUR, 0000
ERIC S. NELSON, 0000
KIM M. NELSON, 0000
LOWELL A. NELSON, 0000
MARTIN H. NELSON, 0000
RICHARD G. NELSON, 0000
RICHARD S. NELSON, 0000
SAMUEL F. NELSON, 0000
WILLIAM J. NELSON, 0000
WILLIAM D. NEUENSWANDER, 0000
BRIAN D. NEUMANN, 0000
TIMOTHY P. NEWMAN, 0000
WILLIAM S. NICHOLS, 0000
GLENN W. NICHOLSON, 0000
DANIEL M. NICKERSON, 0000
GREGORY W. NICODEMUS, 0000
STEVEN R. NIELSEN, 0000
LUCIAN L. NIEMEYER II, 0000
CRAIG W. NORDLIE, 0000
DIAN L. NORRIS, 0000
WESLEY S. NORRIS, 0000
MICHAEL J. NOVOTNY, 0000
MICHAEL A. NOWACZYK, 0000
MICHAEL J. NUTTER, 0000
RICHARD L. OARR, 0000
BRUCE E. OCAIN, 0000
DANIEL J. OCONNOR, 0000
STEPHEN D. OCONNOR, 0000
JOHN S. OECHSLE, 0000
PETER R. OERTEL, 0000
KENNETH M. OLSEN, 0000
RICHARD C. OLSON, 0000
RAYMOND P. OMARA, 0000
BARBARA M. OMSTEAD, 0000
DAVID L. ONAN, 0000
JIMMIE L. ONEAL JR., 0000
BRIAN A. OUELLETTE, 0000
ALISON L. OVERBAY, 0000
BRETT L. OWENS, 0000
LAYNE B. PACKER, 0000
ELIZABETH A. PANGRAC, 0000
TROY W. PANNEBECKER, 0000
ANN MARIE PARKER, 0000
JAMES T. PARKER, 0000
JEFFREY A. * PARKER, 0000
JOHN L. PARKER, 0000
DALE P. PARTRIDGE, 0000
JOHN C. PASCHALL, 0000
PHILLIP G. PATE, 0000
RONALD J. PATRICK, 0000
ERIC J. PAYNE, 0000
JOHN G. PAYNE, 0000
VALERIE S. PAYNE, 0000
RICHARD E. PEARCY, 0000
JOHN W. PEARSE, 0000
JUDITH H. PEER, 0000
MICHAEL E. PEET, 0000
CHRISTOPHER J. PEHRSON, 0000
MICHAEL W. PENLAND, 0000
CLAYTON B. PERCE, 0000
JOHN J. PERNOT, 0000
RONALD L. PERRILLOUX, 0000
PATRICK J. PETERS, 0000
JON J. PETRUZZI, 0000
STEPHEN D. PETTERS, 0000
TIMOTHY J. PFEIFER, 0000
ALTON P. PHILLIPS, 0000
DAVID L. PHILLIPS JR., 0000
MARK R. PHILLIPS, 0000
MATTHEW T. PHILLIPS, 0000
BRYANT D. PHILP, 0000
RICHARD G. PIERCE, 0000
SCOTT D. PIERCE, 0000
CHARLENE A. PIERSONLASSITER, 0000
WILLIAM E. PINTER, 0000
MICHAEL S. PITTS, 0000
DANIEL J. PIXLEY, 0000
CHRISTOPHER E. PLAMP, 0000
MATTHEW L. PLASS, 0000
FRANZ M. PLESCHA, 0000
JOHN EDWARD POAST III, 0000
DANIEL J. POLAHAR JR., 0000
BRENT G. POLGLASE, 0000
SUSAN L. POLLMAN, 0000
ADRIAN C. PONE, 0000
LAURA R. POPE, 0000
TODD J. POSPISIL, 0000
GARY L. POTTER JR., 0000
CARLOS M. POVEDA III, 0000
GLENN E. POWELL JR., 0000
OM PRAKASH II, 0000
JOHN C. PRATER, 0000
MICHAEL D. PRAZAK, 0000
JOHN B. PRECHTEL, 0000
TIMOTHY P. PRESS, 0000
DAVID L. PRESTON, 0000
LESTER E. PRESTON, 0000
DONALD G. PRIAULX, 0000
ARTHUR C. PRICE, 0000
JEFFREY K. PRICE, 0000
LARRY G. PRICE, 0000
MYLAND E. PRIDE, 0000
ROBERT J. PROVOST, 0000
SHARON K. PRUITT, 0000
JAMES A. PRYOR, 0000
JEANNA L. PRYOR, 0000
CLIFFORD T. PUCKETT, 0000
MICHAEL W. PUFFENBARGER, 0000
GEORGE R. PULLIAM, 0000
JOHN R. QUATTRONE, 0000
ROGER ARLANTICO QUINTO, 0000
RAYMOND S. SM RABANO, 0000
DAVID J. RAGGIO, 0000
GEORGE R. RAIHALA, 0000
STEVEN A. RANALLI, 0000
PAMELA J. RANDALL, 0000
WESLEY S. RANDALL, 0000
THOMAS F. RATHBUN, 0000
JAMES A. RAULERSON, 0000
LINDA M. RAY, 0000
STEPHEN A. RAY, 0000
RICHARD M. REDDECLIFF, 0000
BRADLEY S. REED, 0000
MICHAEL D. REED, 0000
TIMOTHY S. REED, 0000
DONALD REESE, 0000
MARC E. REESE, 0000
DANIEL S. REIFSCHNEIDER, 0000
DANIEL L. REILLY, 0000
ROBERT W. REIMAN, 0000
PAUL E. REIMERS, 0000
GREGORY M. REITER, 0000
CHRISTOPHER E. RENNER, 0000
ROBERT A. RENNER, 0000
ROBERT L. RHYNE, 0000
LANCE G. RIBORDY, 0000
CARLOS F. RICE, 0000
TIMOTHY S. RICE, 0000
LISA D. RICHTER, 0000
VICTOR L. RICK, 0000
TIMOTHY L. RILEY, 0000
EDWARD J. RIMBACK, 0000
LLOYD E. RINGGOLD JR., 0000
CHRISTOPHE F. ROACH, 0000
JOHN D. ROACH, 0000
KEVIN J. ROBBINS, 0000
GREGORY D. ROBERTS, 0000
JEFFREY W. ROBERTS, 0000
RICHARD G. ROBERTS, 0000
DOUGLAS A. ROBERTSON, 0000
RANDY K. ROBERTSON, 0000
WILLIAM B. ROBEY, 0000
AARON N. ROBINSON, 0000
BRIAN S. ROBINSON, 0000
KYLE W. ROBINSON, 0000
TIMOTHY J. ROCKWELL, 0000
RAYMOND E. ROESSLER, 0000
GEORGE M. ROGERS, 0000
PAUL J. ROGERSON, 0000
PETER C. ROLLER, 0000
KRIS G. RONGONE, 0000
JENNIFER L. ROOKE, 0000
DARLENE M. ROQUEMORE, 0000
JOHN J. ROSCOE, 0000
DEAN E. ROSENQUIST, 0000
DAVID A. ROSS, 0000
JAMES P. ROSS, 0000
WILLIAM G. ROSS, 0000
JOSEPH W. ROTH, 0000
ROBERT W. ROTH, 0000
JAMES A. ROTHENFLUE, 0000
STEPHEN D. ROTTA, 0000
RANDALL S. ROWE, 0000
WILLIAM H. RUDD III, 0000
DON A. RUFFIN, 0000
JEFFREY N. RUMRILL, 0000
BRADFORD L. RUPERT, 0000
RICKY N. RUPP, 0000
WILLIAM Y. RUPP, 0000
MARK A. RUSE, 0000
BARBARA J. RUSNAK, 0000
MICHAEL J. RUSSEL, 0000
DAVID L. RUSSELL II, 0000
JOHN T. RUSSELL, 0000
GRANT G. RUTLIN, 0000
RONALD G. RYDER, 0000
DAVID M. RYER, 0000
PER I. SAELID, 0000
DAVID G. SALOMON, 0000
ROBERT J. SALSBERRY, 0000
MICHAEL J. SALYARDS, 0000
JOHN R. SAMMARTINO, 0000
DARLENE M. SANDERS, 0000
THOMAS R. SANDS, 0000
DERREK D. SANKS, 0000
DEXTER M. SAPINOSO, 0000
CATHERINE J. SAUCHUK, 0000
SCOTT H. SAUL, 0000
DAVID E. SAVILLE, 0000
SCOTT A. SAVOIE, 0000
FRANK W. SCHADDELEE, 0000
THOMAS P. SCHADEGG, 0000
GREGORY SCHAELLING, 0000
DONALD M. SCHAUBER JR., 0000
LYNN I. SCHEEL, 0000

JON SCHILDER, 0000
ANDREW J. SCHLACHTER, 0000
SCOTT H. SCHLIEPER, 0000
DANIEL M. SCHMIDT, 0000
KIRK A. SCHNEIDER, 0000
RICHARD L. SCHOONMAKER, 0000
DAVID M. SCHROEDER, 0000
PHIL J. SCHROEDER, 0000
PAUL F. SCHULTZ, 0000
TIMOTHY P. SCHULTZ, 0000
WILLIAM F. SCHUPP JR., 0000
JAMES B. SCHUSTER, 0000
STEPHEN R. SCHWARTZ, 0000
MARK F. SCHWARZ, 0000
DAVID A. SCHWARZE, 0000
CHRIS H. SCHWEINSBERG, 0000
LELAND G. SCIFERS, 0000
SHANE P. SCOGGINS, 0000
BRYON L. SCOTT, 0000
JEFFERY C. SCOTT, 0000
BRETT H. SCUDDER, 0000
KURT A. SEARFOSS, 0000
JOEL SEIDBAND, 0000
TODD J. SERRES, 0000
KENNETH C. SERSUN, 0000
DOUGLAS S. SEWALL, 0000
ALAN L. SHAFER, 0000
SHAWN P. SHANLEY, 0000
SCOTT D. SHAPIRO, 0000
MARC S. SHAVER, 0000
ANTHONY C. SHAW, 0000
WAYNE K. SHAW, 0000
WILLIAM K. SHEDD, 0000
GLEN A. SHEPHERD, 0000
MICHAEL D. SHEPHERD, 0000
JEFFREY A. SHEPPARD, 0000
DANIEL J. SHERIDAN, 0000
JEFFREY E. SHERWOOD, 0000
CYNTHIA A. SHEWELL, 0000
JOHN R. SHIELDS, 0000
DAVID K. SHINTAKU, 0000
ARNETHA R. SHIPMAN, 0000
HOWARD A. SHRUM III, 0000
ERIC SILKOWSKI, 0000
RICHARD J. SILONG, 0000
FRANK W. SIMCOX IV, 0000
KEVIN HUGH SIMMONS, 0000
NIGEL J. SIMPSON, 0000
WILSON T. SIMS JR., 0000
PAUL L. J. SINOPOLI, 0000
TIMOTHY J. SIPES, 0000
ROBERT D. SKELTON, 0000
LYNDEN P. SKINNER, 0000
THOMAS J. SKROCKI, 0000
STEVEN R. SLATTER, 0000
TIMOTHY A. SLAUENWHITE, 0000
ANDREW T. SLAWSON, 0000
DENETTE L. SLEETH, 0000
RICHARD E. SLOOP JR., 0000
STEVEN E. SMILEY, 0000
DIANE M. SMITH, 0000
DIRK D. SMITH, 0000
JEFFREY D. SMITH, 0000
JEFFREY J. SMITH, 0000
KELVIN B. SMITH, 0000
KENNETH P. SMITH, 0000
MATTHEW N. SMITH, 0000
MICHAEL J. SMITH, 0000
PEIMIN M. SMITH, 0000
RANDOLPH G. SMITH, 0000
ROBERT J. SMITH JR., 0000
RUDOLPH A. SMITH JR., 0000
RUSSELL E. SMITH, 0000
RYAN J. SMITH, 0000
STEPHEN A. SMITH, 0000
THOMAS L. SMITH, 0000
WESLEY E. SMITH, 0000
DAVID M. SNOW, 0000
DONALD A. SNYDER, 0000
STEVEN P. SNYDER, 0000
PATRICE A. SOLORZANO, 0000
DWIGHT C. SONES, 0000
INEZ A. SOOKMA, 0000
CRAIG A. SOUZA, 0000
CHRISTOPHER F. SPAGNUOLO, 0000
KAY L. SPANNUTH, 0000
KEVIN L. SPARKS, 0000
JENNIFER L. SPEARS, 0000
JOSEPH M. SPIESS, 0000
KURT M. SPILGER, 0000
CHRISTOPHER STAFFORD, 0000
STANLEY STAFIRA, 0000
DANIEL J. STAGGENBORG, 0000
DAVID G. STAMOS, 0000
DARRYL L. STANKEVITZ, 0000
NANCY NAOMI STANLEY, 0000
DAVID M. STANTON, 0000
VALISE A. STANTON, 0000
SCOTT A. STARK, 0000
JAMES M. STARLING, 0000
ROBERT B. STARNES, 0000
DONALD C. STARR, 0000
CHARLES F. J. STEBBINS, 0000
KEVIN B. STEELE, 0000
THOMAS M. STEELE, 0000
ALLEN M. STEENHOEK, 0000
CHARLES A. STEEVES, 0000
DOUGLAS K. STENGER, 0000
MARK T. STEPHENS, 0000
KEVIN J. STEVENS, 0000
CHAD M. STEVENSON, 0000
RAYMOND S. STEVENSON, 0000
ALBERT K. STEWART, 0000
DAVID T. STEWART, 0000
ERIC C. STEWART, 0000
MICHAEL A. STEWART, 0000
BARRY W. STGERMAIN, 0000
BRUCE C. STINAR, 0000
KEVIN L. STONE, 0000
TROY R. STONE, 0000
CHARLES R. STONER, 0000
RONALD K. STORY, 0000
MICHAEL K. STOWERS, 0000
JESSE L. STRICKLAND III, 0000
LEWIS H. STROUGH, 0000
MICHAEL SULEK, 0000
DAVID M. SULLIVAN, 0000
EDWARD J. SULLIVAN, 0000
SEAN M. SULLIVAN, 0000
DONALD H. SUMMERLIN, 0000
BRANDON E. SWEAT, 0000
MARK J. SWEENEY, 0000
GERALD A. SWIFT, 0000
RAYMOND A. SWOGGER, 0000
MICHAEL T. SYMOCK, 0000
JOHN A. TALARICO, 0000
MICHAEL L. TALBERT, 0000
JEFFREY B. TALIAFERRO, 0000
WILLIAM M. TART, 0000
KENNETH R. TATUM JR., 0000
RICHARD D. TAVENNER, 0000
ANDREW M. TAYLOR, 0000
PATRICK W. TAYLOR, 0000
RODNEY L. TAYLOR, 0000
DAVID B. TEAL, 0000
BRETT P. TELFORD, 0000
SCOTT J. TEW, 0000
SHARON C. THOMAS, 0000
WALTER D. THOMAS, 0000
DEBORAH E. THOMPSON, 0000
HENRY C. THOMPSON, 0000
JEFFREY A. THOMPSON, 0000
STEPHEN R. THOMPSON, 0000
ROBERT C. THOMSON, 0000
MICHAEL D. THURBER, 0000
GREGORY S. THURGOOD, 0000
ANDREW J. THURLING, 0000
PAUL W. TIBBETS IV, 0000
MICHAEL A. TICHENOR, 0000
MICHAEL J. TILLEMA, 0000
JOHN L. TILLMAN, 0000
BRIAN J. TINGSTAD, 0000
JAMES M. TITTINGER, 0000
RICHARD G. TOBASCO, 0000
JULIAN H. TOLBERT, 0000
WADE G. TOLLIVER, 0000
JOHN S. TOMJACK, 0000
GARY A. TOPPERT, 0000
TIMOTHY M. * TORRES, 0000
JOHN H. TOUCHTON III, 0000
TIMOTHY P. TOWNES, 0000
NHAT D. TRAN, 0000
TIMOTHY J. TRAUB JR., 0000
KEVIN T. TRISSELL, 0000
GERALD J. TROMBLEY, 0000
EDSON C. TUNG JR., 0000
KIP B. TURAIN, 0000
MARK J. TURCOTTE, 0000
GREGORY L. TURES, 0000
STEPHEN E. TURNER JR., 0000
RICHARD E. UNIS, 0000
MICHAEL J. VACCARO, 0000
SCOTT R. VADNAIS, 0000
VICTOR J. VALDEZ, 0000
DAVID D. VALLIERE, 0000
CURT A. VAN DE WALLE, 0000
LJ VANBELKUM, 0000
ALVIN M. VANN JR., 0000
JUAN R. VASQUEZ, 0000
GLENN M. VAUGHAN, 0000
BRIAN T. VAUGHN, 0000
OSCAR R. VAUGHN, 0000
AGUSTIN E. VELEZ, 0000
THOMAS A. VENTRIGLIA, 0000
LASZLO A. VERES, 0000
SCOTT A. VESPER, 0000
EDWARD J. VEST, 0000
RICHARD A. VETSCH, 0000
PATRICK H. VETTER, 0000
GEORGE VICARI JR., 0000
JOSEPH H. VIERECKL, 0000
TERRY W. VIRTS, 0000
STEVEN A. VLASAK, 0000
ROBERT A. VOEGTLY, 0000
RANDALL L. VOGEL, 0000
GEORGE S. VOGEN, 0000
JESSIE H. VOISIN JR., 0000
PAUL C. VONOSTERHELDT, 0000
PAUL E. WADE, 0000
DONALD R. WAHONICK JR., 0000
BARRY C. WAITE, 0000
DAVID M. WAITE, 0000
MARK K. WAITE, 0000
SCOTT E. WALCHLI, 0000
FEDERICO G. WALDROND, 0000
CHRISTOPHER P. WALKER, 0000
JON W. WALKER, 0000
JULIE E. WALKER, 0000
MICHAEL J. WALKER, 0000
THOMAS M. WALKER, 0000
WARD A. WALKER, 0000
TODD T. WALKOWICZ, 0000
DAVID E. WALLACE, 0000
DARRELL E. WALLIS JR., 0000
STEPHEN D. WALTERS, 0000
MICHAEL G. WAN, 0000
MARK A. WARACK, 0000
MICHAEL R. WARD, 0000
WILLIAM R. WARD, 0000
MICHAEL S. WASSON, 0000
WILLIAM R. * WATKINS III, 0000
DOUGLAS A. WATKINS, 0000
ERIC E. WATKINS, 0000
PHILIP R. WATSON, 0000
BRYAN C. WATT, 0000
CHRISTIAN G. WATT, 0000
SHANNON D. WEATHERMAN, 0000
WILLIAM M. WEAVER, 0000
JEFFERY D. WEBBER, 0000
SCOTT D. WEBER, 0000
THOMAS J. WEBER, 0000
TIMOTHY F. WEBER, 0000
JEFFREY R. WEED, 0000
JAMES C. WEIGLE, 0000
JAMES L. WEINGARTNER, 0000
RICHARD A. WEIR, 0000
CLYDE A. WEIRICK, 0000
DOUGLAS P. WEITZEL, 0000
STEVEN M. WELD, 0000
DOUGLAS H. WELLS, 0000
SCOTT R. WELLS, 0000
RUSSELL P. WELSCH, 0000
DERON L. WENDT, 0000
GARY F. WESSELMANN, 0000
JOHN E. WEST JR., 0000
JOHN W. WEST, 0000
ROBERT A. WEST, 0000
JAMES E. WEYER, 0000
ELISE M. WHEELER, 0000
NATHAN T. WHITE, 0000
RANDALL G. WHITE, 0000
TODD D. WHITE, 0000
WILLIAM G. WHITE, 0000
JAMIE S. WHITLEY, 0000
JAMES T. WHITLOW, 0000
JIM R. WIEDE, 0000
JEFFREY J. WIEGAND, 0000
MARSHA W. WIERSCHKE, 0000
PAUL A. WIESE, 0000
SANDRA L. WILKERSONLEAF, 0000
JOHN W. WILKINSON, 0000
JOHN A. WILLCOCKSON, 0000
GARY W. WILLETS, 0000
CHRISTOPHER R. WILLIAMS, 0000
DARRYL R. WILLIAMS, 0000
JOHN A. WILLIAMS, 0000
JOHN A. WILLIAMS II, 0000
MARK C. WILLIAMS, 0000
MATTHEW R. WILLIAMS, 0000
STEPHEN H. WILLIAMS, 0000
TIMOTHY N. WILLIAMS, 0000
WILLIE J. WILLIAMS JR., 0000
STEVEN E. WILLIS, 0000
TRAVIS A. WILLIS JR., 0000
ROBERT W. WILLOUGHBY, 0000
EVA C. WILSON, 0000
HAROLD L. WILSON, 0000
KENNEDY B. WILSON JR., 0000
ROBERT D. WILSON, 0000
DONALD W. WINGATE JR., 0000
JAMES D. WINGO JR., 0000
MARK S. WINGREEN, 0000
ANNE M. WINKLER, 0000
JOHN S. WINSTEAD, 0000
ROHINI T. S. WINTERS, 0000
JON K. WISHAM, 0000
JAMES W. WISNOWSKI, 0000
KENNETH J. WITTE, 0000
DANNY R. WOLF, 0000
JULIA A. WOLF, 0000
ENOCH K. WONG, 0000
JOHN M. WOOD, 0000
KENTON T. WOOD, 0000
PAUL R. WOOD, 0000
WILLIAM A. WOODCOCK, 0000
THIERRY C. WOODS, 0000
TIMOTHY A. WOODS, 0000
LARRY D. WORLEY JR., 0000
COLIN J. WRIGHT, 0000
DAVID C. WRIGHT, 0000
DEAN N. WRIGHT, 0000
CHRISTOPHER J. WYMAN, 0000
JOSEPH M. YAKUBIK, 0000
BRIAN E. YATES, 0000
ROBERT E. YATES, 0000
ROBERT B. YOUNG JR., 0000
DAVID R. YOUTSEY, 0000
JAMES RICHARD ZAGATA, 0000
PAUL ALBERT ZAVISLAK JR., 0000
CATHERINE M. ZEITLER, 0000
BRIAN P. * ZEMBRASKI, 0000
ARTHUR E. ZEMKE, 0000
TIMOTHY A. ZOERLEIN, 0000
DAVID R. ZORZI, 0000
JEFFREY R. ZOUBEK, 0000
MICHEL P. ZUMWALT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CATHERINE M. AMITRANO, 0000
LESLIE R. ANN, 0000
DENISE G. AUGUSTINE, 0000
TAMARA A. AVERETTBRAUER, 0000
SUSAN E. BASSETT, 0000
JENNIFER D. BAUER, 0000
DAVID A. BEAVERS, 0000
MARIE L. BERRY, 0000
DIANE L. BILBRAY, 0000
MICHELLE L. BISHOP, 0000
MICHAEL W. BOUCHARD, 0000
LEE S. BRYANT, 0000
NONA F. BUCHANAN, 0000
DANIEL J. BUSHEME, 0000
SHELLY D. BUTLER, 0000
LOLA R. B. CASBY, 0000
LINDA J. CASHION, 0000
ROBERT K. CLAY, 0000
KELLY A. COLEMAN, 0000

ANNE M. CONWELL, 0000
LENORA L. COOK, 0000
ANKA COSIC, 0000
DAWN B. DANIEL, 0000
WANDA L. DAVIES, 0000
LISA D. DEDECKER, 0000
JANE G. DENTON, 0000
PATRICIA L. DYKSTRA, 0000
BARBARA A. EISENSTEIN, 0000
EDWARD F. FARLEY, 0000
MARGARET E. FOLTZ, 0000
ELEANOR T. FOREMAN, 0000
REBECCA L. GOBER, 0000
ANNETTE GOMEZ, 0000
ANNA M. GREEN, 0000
SANDRA D. HAGEDORN, 0000
JUDITH A. HUGHES, 0000
ROBIE V. HUGHES, 0000
ROBIN E. HUNT, 0000
BRENDA K. IRWIN, 0000
ALETA P. JEFFERSON, 0000
CYNTHIA F. JEFFREY, 0000
LINDA M. JENNINGS, 0000
BEVERLY J. JOHNSON, 0000
MARTHA J. JOHNSTON, 0000
BARBARA A. JONES, 0000
BARBARA A. KALMEN, 0000
JERILYN L. KEITH, 0000
TRACEY M. KEITH, 0000
JOANN M. KELSCH, 0000
JACK L. KENNEDY, 0000
PHILLIP G. KLEINMAN, 0000
NANCY M. LACHAPELLE, 0000
ELIZABETH A. LARINO, 0000
CAROL M. LARSEN, 0000
DIANE F. LENTTUCKER, 0000
ELIZABETH K. LOVE, 0000
LYNN M. MALONE, 0000
IRMA L. MCNAMEE, 0000
SUSAN M. MCNITT, 0000
ANN M. MCQUADE, 0000
JUDITH A. MEEK, 0000
ALTHEA B. B. MILLER, 0000
TERESA L. MILLWATER, 0000
KELLEY C. MOORE, 0000
KAY H. NIMS, 0000
CAROLE A. NUSSEL, 0000
NANCY A. OPHEIM, 0000
JULIE P. PACK, 0000
PENNIE G. PAVLISIN, 0000
ALLISON W. PLUNK, 0000
JONATHAN N. PORTIS, 0000
TERRY L. PRIZER, 0000
MARINA C. RAY, 0000
RICHARD J. REUSCH JR., 0000
CAROLE S. ROBBINS, 0000
SUK HI ROSS, 0000
KATHLEEN SAMUEL, 0000
JOHN G. SANFORD, 0000
DELIA M. SANTIAGO, 0000
CLAIR M. SHEFFIELD, 0000
DONNA R. SMITH, 0000
JEAN E. SPRINGER, 0000
DIANA L. STARKEY, 0000
KEVIN V. STEVENS, 0000
HILDEGARDE P. STEWART, 0000
FRANCIS J. STOECKER III, 0000
JULIE M. STOLA, 0000
NAOMI E. STRANO, 0000
ANNATA RAE SULLIVAN, 0000
PATRICIA J. SWEENEY, 0000
MYRON J. TASSIN JR., 0000
SHARON L. TAYLOR, 0000
RACHEL VLK, 0000
KARLA J. VOY, 0000
MARY C. WAHL, 0000
MARGARET M. WALSH, 0000
ELIZABETH M. WILCOX, 0000
CYNTHIA K. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARK T. ALLISON, 0000
BARBARA B. ALTERA, 0000
ARLEN E. BEE, 0000
JOSEPH PAUL BIALKE, 0000
JAMES G. BITZES, 0000
WILLIAM B. BOYCE, 0000
SCOTT K. BRADSHAW, 0000
JAMES R. BYRNE, 0000
TODI S. CARNES, 0000
WENDY S. CARROLL, 0000
FERDINANDO P. CAVESE, 0000
DAVID P. CHARITAT, 0000
JOSEPH E. COLE, 0000
DEBORAH L. COLLINS, 0000
JAMES H. DAPPER, 0000
KIRK L. DAVIES, 0000
MELINDA L. DAVIS PERRITANO, 0000
ERIC L. DILLOW, 0000
THOMAS F. DOYON, 0000
JAMES M. DURANT III, 0000
THOMAS L. FARMER, 0000
MARK C. GARNEY, 0000
TIMOTHY A. HICKS, 0000
STEPHEN P. KELLY, 0000
LESLIE D. LONG, 0000
JAMES W. MEINDERS, 0000
BLAKE C. NIELSEN, 0000
TERRY A. OBRIEN, 0000
MICHAEL J. OCONNOR, 0000
MICHAEL J. OSULLIVAN, 0000
FERAH OZBEK, 0000
CHRISTOPHER M. PETRAS, 0000
LINDA L. RICHARDSON, 0000
FLOYD S. RISLEY, 0000
ERIC J. ROTH, 0000
MATTHEW J. RUANE, 0000
KENNETH R. SHARRETT, 0000
DOUGLAS M. STEVENSON, 0000
EDWARD H. THOMPSON, 0000
CHRISTOPHER C. VANNATTA, 0000
VICKI K. WEEKES, 0000
KAREN S. WHITE, 0000
PHILIP T. WOLD, 0000
FREDERICK M. WOLFE, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRIAN K. BALFE, 0000
NORBERTO R. CASTRO JR., 0000
GLENN H. CURTIS, 0000
ROBERT P. NYRE, 0000
RENWICK L. PAYNE, 0000
JAMES H. TROGDON III

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BRIAN T ALEXANDER, 0000
KELLY P ALEXANDER, 0000
JULIAN D ALFORD, 0000
RICHARD E ANDERS, 0000
BRIAN P ANNICHIARICO, 0000
CHRISTOPHER A ARANTZ, 0000
JAMES L ARMSTRONG, 0000
FRANK S ARNOLD, 0000
THOMAS E ARNOLD JR., 0000
JOHN D AUGSBURGER, 0000
BRIAN F BAKER, 0000
GRANT C BAKLEY, 0000
FRANCISCO M BALL, 0000
EDWARD L BARBOUR III, 0000
ROBERT S BARR, 0000
PETER B BAUMGARTEN, 0000
BRIAN T BECKWITH, 0000
STEVEN F BELSER, 0000
MICHAEL J BERGERUD, 0000
MICHAEL C BERRYMAN, 0000
DEBRA A BEUTEL, 0000
ANDREW D BIANCA, 0000
JAMES W BIERMAN JR., 0000
DOUGLAS H. BIGGS, 0000
MICHAEL A. BLACKWOOD, 0000
JEFFREY L. BLAU, 0000
SEAN C. BLOCHBERGER, 0000
KERRY J. BLOCK, 0000
GARY G. BLOESL, 0000
PHILLIP W. BOGGS, 0000
COREY K. BONNELL, 0000
CARMINE J. BORRELLI, 0000
EDMUND J. BOWEN, 0000
MICHAEL L. BRAMBLE, 0000
GREGORY A. BRANIGAN, 0000
ROBERT M. BRASSAW, 0000
GREGORY T. BREAZILE, 0000
JAMES C. BRENNAN, 0000
MARK C. BREWSTER, 0000
JAMES M. BRIGHT, 0000
BRADLEY W. BROWN, 0000
MICHAEL H. BROWN, 0000
RAPHAEL P. BROWN, 0000
WILLIAM R. BROWN, 0000
KURT J. BRUBAKER, 0000
STEVEN L. BUCKLEY, 0000
WILLIAM S. BUDD, 0000
ERIC F. BUER, 0000
CRAIG M. BURRIS, 0000
MARK A. BUTLER, 0000
RAYMOND D. BUTLER, 0000
TIMOTHY G. CALLAHAN, 0000
WILLIAM E. CALLAHAN, 0000
SCOTT D. CAMPBELL, 0000
RICHARD L. CAPUTO JR., 0000
JAMES K. CARBERRY, 0000
CHRISTOPHER C. CAROLAN, 0000
WINFIELD S. CARSON JR., 0000
JEFFREY S. CARUSONE, 0000
AUGUSTO G. CATA, 0000
CURTIS E. CATENCAMP, 0000
ROBERT A. CECCHINI, 0000
STEVEN E. CEDRUN, 0000
JOHN H. CELIGOY, 0000
JOHN M. CHADWICK, 0000
DAVID G. CHANDLER, 0000
PHILLIP W. CHANDLER, 0000
IRA M. CHEATHAM, 0000
GREGORY L. CHESTERTON, 0000
STEPHEN S. CHOATE, 0000
THOMAS M. CLASEN, 0000
DAVID L. COGGINS, 0000
BIAGIO COLANDREO JR., 0000
MICHAEL G. COLEMAN, 0000
ANTONIO COLMENARES, 0000
DANIEL B. CONLEY, 0000
SEAN P. CONLEY, 0000
WILLIAM J. CONLEY JR., 0000
SHAWN P. CONLON, 0000
JAMES S. CONNELLY, 0000
JEFFREY T. CONNER, 0000
KEVIN B. CONROY, 0000
JONATHAN P. COOK, 0000
MICHAEL A. COOLICAN, 0000
ROBERT L. COULOMBE, 0000
ROBERT A. COUSER, 0000
JAMES L. COX, 0000
PATRICK F. COX, 0000
DENNIS A. CRALL, 0000
JOHN M. CURATOLA, 0000
PAUL G. CURRAN, 0000
PETER W. CUSHING, 0000
MICHAEL D. DAHL, 0000
THOMAS A. DAMISCH, 0000
ROBERT J. DARLING, 0000
JEFFREY P. DAVIS, 0000
JOEL J. DAVIS, 0000
MARK C. DELUNA, 0000
MARSHALL DENNEY III, 0000
DARRIN DENNY, 0000
KENNETH M. DETREUX, 0000
PETER J. DEVINE, 0000
ANTHONY P. DIBENEDETTO JR., 0000
DAVID G. DIEUGENIO JR., 0000
MICHAEL W. DINARDO, 0000
HENRY J. DOMINGUE JR., 0000
JAMES E. DONNELLAN, 0000
FRANCIS L. DONOVAN, 0000
THOMAS A. DOUGHERTY III, 0000
JONATHAN F. DOUGLAS, 0000
STEPHEN E. DUKE, 0000
WILLIAM R. DUNN II, 0000
ROBERT M. EHNOW, 0000
NORMAN R. ELIASEN, 0000
TODD R. EMO, 0000
RUSSELL W. EMONS JR., 0000
TERRI E. ERDAG, 0000
DANIEL P. ERMER, 0000
JOHN A. ESQUIVEL, 0000
RUSSELL E. ETHERIDGE JR., 0000
DAMON E. FIELDS, 0000
RONALD R. FINELLI, 0000
MICHAEL J. FINLEY, 0000
CLAYTON J. FISHER, 0000
JOHN M. FITTS, 0000
DAVID A. FLYNN, 0000
PAUL J. FONTANEZ, 0000
ANDREW W. FORTUNATO, 0000
PAUL A. FORTUNATO, 0000
KEVIN R. FOSTER, 0000
MICHAEL V. FRANZAK, 0000
CHRISTOPHER L. FRENCH, 0000
RICHARD W. FULLERTON, 0000
JONATHAN O. GACKLE, 0000
MAX A. GALEAI, 0000
JOHN R. GAMBRINO, 0000
DOUGLAS K. GELBACH, 0000
MICHAEL W. GEORGE, 0000
JAMES P. GFRERER, 0000
ANDREW J. GILLAN, 0000
DAVID S. GLASSMAN, 0000
CHRISTOPHER W. GOEDEKE, 0000
PATRICK A. GRAMUGLIA, 0000
DOMINIC A. GRASSO, 0000
ALAN S. GREENE, 0000
ALAN M. GREENWOOD, 0000
RONALD A. GRIDLEY, 0000
GREGORY J GRINAKER, 0000
CHRIS M GROOMS, 0000
DANIEL J HAAS, 0000
KARL J HACKBARTH, 0000
RICHARD D HALL, 0000
WILLIAM J HARKINS JR., 0000
GERALD F HARPER JR., 0000
DAWN L HARRISON, 0000
JAMES D HAWKINS II, 0000
KEVIN A HAWLEY, 0000
SHAWN D HEALY, 0000
KARSTEN S HECKL, 0000
ANDREW J HEINO, 0000
MARK A HENSEN, 0000
JAMES H HERRERA, 0000
HARRY J HEWSON III, 0000
DAVID M HITCHCOCK, 0000
WILLIAM R HITTINGER, 0000
MARK R HOLLAHAN, 0000
CHARLES M HOLLER, 0000
JEFFREY Q HOOKS, 0000
MATTHEW C HOWARD, 0000
DAVID S HOWE, 0000
STEPHEN M HOYLE, 0000
DONALD E HUMPERT, 0000
MICHAEL A HUNTER, 0000
NANCY E HURLESS, 0000
DOUGLAS G HURLEY, 0000
JAMES H HUTCHINS, 0000
HENRY M HYAMS III, 0000
THOMAS D IGNELZI, 0000
CHRISTIAN A ISHAM, 0000
ANNETTE R JACOBSEN, 0000
RUDOLPH M JANICZEK, 0000
JEFFREY A JEWELL, 0000
BRANDON F JOHNSON, 0000
CHARLES H JOHNSON III, 0000
JAMES C JOHNSON JR., 0000
MARK D JOHNSON, 0000
MARK T JOHNSON, 0000
THOMAS V JOHNSON, 0000
GARY S JOHNSTON, 0000
DAVID R JONESE, 0000
WILLIAM M JURNEY, 0000
JEFFREY A KARNES, 0000
DAVIN M KEITH, 0000
PATRICK N KELLEHER, 0000
MICHAEL W KELLY, 0000
ANDREW R KENNEDY, 0000
MICHAEL W KETNER, 0000
KEVIN J KILLEA, 0000
MICHAEL P KILLION, 0000

TRACY W KING, 0000
BRIAN T KLINE, 0000
MARK D KNUTH, 0000
VINCENT C KUCALA, 0000
MICHAEL L KUHN, 0000
DOUGLAS S KURTH, 0000
CHRIS D LANDRY, 0000
MICHAEL J LEE, 0000
FREDERICK H LENGERKE, 0000
JOSEPH A LETOILE, 0000
FRANK LUSTER III, 0000
PAUL G MACK, 0000
KEVIN W MADDOX, 0000
THOMAS P MAINS III, 0000
KATHY J MALONEY, 0000
DAREN K MARGOLIN, 0000
GREGORY L MASIELLO, 0000
REY Q MASINSIN, 0000
DAVID W MAXWELL, 0000
TIMOTHY A MAXWELL, 0000
MICHAEL A MCCARTHY, 0000
MITCHELL J MCCARTHY, 0000
THOMAS R MCCARTHY JR., 0000
DARIN J MCCLOY, 0000
BRIAN K MCCRARY, 0000
KEVIN F MCCRAY, 0000
LANCE A MCDANIEL, 0000
JAMES F MCGRATH, 0000
DAVID W MCMORRIES, 0000
BRAD J MCNAMARA, 0000
BRENT E MEEKER, 0000
JACQUELINE R MELTON, 0000
LUIS A MERCADO, 0000
GLEN MILES, 0000
SCOTT T MINALDI, 0000
JAMES J MINICK, 0000
DENNY A MIRELES, 0000
FRANK G MITTAG, 0000
JACK P MONROE IV, 0000
EDWARD M MONTGOMERY, 0000
LOUIS J MORSE JR., 0000
FRANK R MOTLEY JR., 0000
PAUL L MULLER, 0000
MICHAEL J MURPHY, 0000
ANDREW J MURRAY, 0000
RICHARD J MUSSER, 0000
STEPHEN M NEARY, 0000
SAMUEL C NELSON III, 0000
RANDALL P NEWMAN, 0000
STEPHEN C NEWMAN, 0000
TERRENCE A OCONNELL, 0000
PATRICK ODONNELL, 0000
MICHAEL R ORR, 0000
DAVID A OTTIGNON, 0000
JOSEPH T PARDUE, 0000
DOUGLAS W PASNIK, 0000
PAUL D PATTERSON JR., 0000
ROY D PAUL, 0000
CURTIS M PERMITO, 0000
ROBERT A PESCATORE, 0000
ROBERT R PIATT, 0000
CHARLES D PINNEY, 0000
PAUL A POND, 0000
PETER D PONTE, 0000
SERGIO POSADAS, 0000
ROBERT D PRIDGEN, 0000
CHARLES E PROTZMANN, 0000
JOHN M PUSKAR, 0000
WARD V QUINN III, 0000
JEFFREY M REAGAN, 0000
DAVID L REEVES, 0000
GERALD R REID, 0000
PHILLIP J REIMAN, 0000
JOHN C REIMER, 0000
AUSTIN E RENFORTH, 0000
STEPHEN E REYNOLDS, 0000
LARRY D RICHARDS II, 0000
MICHAEL B RICHARDSON, 0000
JOSEPH R RIZZO, 0000
EUGENE H ROBINSON JR., 0000
ROD D ROBISON, 0000
PAUL J ROCK JR., 0000
STEVEN A ROSS, 0000
GARY P RUSSELL, 0000
LAWRENCE S RYDER, 0000
BRYAN F SALAS, 0000
MICHAEL SALEH, 0000
TIMOTHY M SALMON, 0000
NOEL B SANDLIN, 0000
JAMES B SCHAFER, 0000
DAVID A SCHLICHTING, 0000
DOUGLAS R SCHUELER, 0000
MARC A SEHRT, 0000
CHRISTOPHER C SEYMOUR, 0000
ROSEANN L SGRIGNOLI, 0000
ANDREW G SHORTER, 0000
JOSEPH F SHRADER, 0000
SCOTT C SHUSTER, 0000
PAUL G SICHENZIA, 0000
JAMES L SIGMON III, 0000
CHRISTOPHER J SILL, 0000
JOHN A SISSON, 0000
SCOTT R SIZEMORE, 0000
STEPHEN D SKLENKA, 0000
WILLIAM N SLAVIK, 0000
ANDREW H SMITH, 0000
ANTONIO B SMITH, 0000
LARRY E SMITH II, 0000
RICHARD C SMITH, 0000
RUSSELL E SMITH, 0000
STEPHANIE C SMITH, 0000
CHRISTOPHER B SNYDER, 0000
BRUCE W SODERBERG, 0000
NANCY A SPRINGER, 0000
CHRISTOPHER C STARLING, 0000
JOHN B STARNES, 0000
DENNIS R STEPHENS, 0000
JAMES C STEWART, 0000
RICHARDO C STEWART, 0000
MICHAEL R STROBL, 0000
SAMUEL T STUDDARD, 0000
EUGENE L SUMMERS, 0000
FRANK J SVET, 0000
MICHAEL M SWEENEY, 0000
STEPHEN P SWEENEY, 0000
TRACY J TAFOLLA, 0000
TROY D TAYLOR, 0000
TRAVIS A TEBBE, 0000
STEPHEN R TERRELL, 0000
HUGH V TILLMAN, 0000
PAUL TIMONEY, 0000
WILLIAM A TOSICK II, 0000
VAN K TRAN, 0000
JOHN D TROUTMAN, 0000
DAVID L TURNER, 0000
DARIO W VALLI, 0000
KRISTI L VANGORDER, 0000
DALE S VESELY, 0000
WILLIAM A VISTED, 0000
JAMES A VOHR, 0000
COLBY C VOKEY, 0000
CHRISTOPHER J WAGNER, 0000
THOMAS F WALSH III, 0000
HOWARD S WALTON, 0000
JOHN J WANAT, 0000
ANDREW J WAREHAM, 0000
VINCENT P WAWRZYNSKI, 0000
JOHN S WEDEMEYER, 0000
THOMAS D WEIDLEY, 0000
BRADLEY E WEISZ, 0000
DAVID P WELLS, 0000
STEPHEN A WENRICH, 0000
JAMES F WERTH, 0000
JAMES W WESTERN, 0000
JOSEPH S WHITAKER, 0000
JAMES W WIECKING, 0000
ANDREW G WILCOX, 0000
PATRICK R WILKS, 0000
KIRK C WILLE, 0000
EUSEEKERS WILLIAMS JR., 0000
GEORGE S WILLIAMS, 0000
BRENT S WILLSON, 0000
GARY A WINTERSTEIN, 0000
WILLIAM P WITZIG, 0000
KENNETH P WOLF JR., 0000
JEFFREY A WOLFF, 0000
DAKOTA L WOOD, 0000
JOHN R WOODWORTH, 0000
HUGH A WORDEN, 0000
MARK A WORKMAN, 0000
ANTHONE R WRIGHT, 0000
JOHN T YANVARY, 0000
MARK E YAPP, 0000
SCOTT E YOST, 0000
MICHAEL W YOUNG, 0000
ROBERT C YOUNG, 0000
KENNETH ZIELECK, 0000
PHILLIP J ZIMMERMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROSEMARIE H. O'CARROLL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOHN M. HAKANSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DANIEL P ARTHUR, 0000
JOSEPH J BIONDI, 0000
MARK E COOPER, 0000
ROBERT V DANIELS, 0000
CHRISTOPHER S DIGNAN, 0000
JAMES S DYE, 0000
TIMOTHY T EARL, 0000
JASON C EATON, 0000
THOMAS J FITZGERALD, 0000
TIMOTHY J HERALD, 0000
CHARLES B JACKEL, 0000
GARY L JACOBSEN, 0000
RICHARD LEBRON, 0000
HANS E LYNCH, 0000
MATTHEW S MEMMELAAR, 0000
MATTHEW J MULCAHY, 0000
CHASE D PATRICK, 0000
STEPHEN J PAYSEUR, 0000
EDWARD J ROBLEDO, 0000
STACY L SCHWARTZ, 0000
JOHN J SEIFERT, 0000
CALVIN F SWANSON, 0000
BRIAN L TOTHERO, 0000
RICHARD K VERHAAGEN, 0000
ALEXIS T WALKER, 0000
JOHN A WARDEAN, 0000
JAMES A WIEST, 0000
WALTER C WRYE IV, 0000

EXTENSIONS OF REMARKS

HONORING THE JAVITS-WAGNER-O'DAY PROGRAM

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the Javits-Wagner-O'Day (JWOD) Program for their strong portrayal of public service and dedication to the blind and severely disabled.

For the past 64 years JWOD has provided 38,000 disabled Americans with opportunity, incentive, and employment. Through this program, dedicated employees provide federal and military consumers with a wide array of SKILCRAFT and other high JWOD products and services.

In addition, JWOD provides a plethora of product categories that include office supplies, military specific, safety, maintenance, repair, medical-surgical, janitorial-sanitation, and customization. JWOD also provides many service to the federal and military customers that include call center and switchboard operations, military base and federal office building supply centers, CD-Rom duplication-replication, data entry, document imaging, and grounds care.

I commend Javits-Wagner-O'Day Program and the opportunities it provides for an underemployed category of deserving citizens. Furthermore, due to the exceptional quality and socioeconomic benefits of the program I urge my colleagues to purchase SKILLCRAFT and JWOD products from the Capitol Hill Office Supply Store.

The JWOD Program is administered by the president-appointed Committee For Purchase From People Who are Blind and Disabled, assisted by National Industries for the Blind (NIB) and NISH, who work in co-operation with more than 650 non-profit agencies to ensure disabled persons receive quality employment.

Mr. Speaker, I extend my warmest gratitude to the Javits-Wagner-O'Day Program for their admirable contributions to Fairfax County, Virginia. The program is distinguished through their devotion on disabled citizens and community service. I call upon my colleagues to join me in applauding their achievements and supporting their cause.

RECOGNITION OF ANDREW MICHAEL PEPPER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew Michael Pepper, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 121, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in such scout activities as camp Geiger. Over the 11 years he has been involved in scouting, he has held numerous leadership positions, serving as librarian, scribe, instructor, patrol leader and senior patrol leader. Andrew also has been honored for his numerous scouting achievements with such awards as Junior Leader Training Award and the Bronze Eagle Palm Award.

For his Eagle Scout project, Andrew constructed an ornamental flower garden at the main entrance of Simpson park in Chillicothe, MO.

Mr. Speaker, I proudly ask you to join me in commending Andrew Michael Pepper for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MR. JOHN ISSAC LEE OF HICKOX, GA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. KINGSTON. Mr. Speaker, it is with great pleasure that I rise to honor Mr. John Isaac Lee today. Mr. Lee is a champion of education as well as a devoted husband and father. John is the longest serving member of the Brantley County Board of Education and will be retiring after 36 years of service at the end of this term. It is for his service to the State of Georgia and the people of Brantley County that I wish to thank him, and I can think of no better place to honor him, than within these great walls of the U.S. House of Representatives.

John Lee was first nominated to be on the Brantley County Board of Education by Mrs. Mabel Moody and elected by grand jury on October 1, 1968. From that time until now, he has served in this capacity continuously, with not one break in service. In fact, during his 34 year tenure, he has missed only one regularly scheduled meeting; which was when he decided that he would attend his son's graduation from the University of Georgia. Mr. Lee has believed in his commitment to the students that he served. It is only fitting that when John decided to have hip replacement surgery on both of his hips, he made sure that the surgery and recovery would not conflict with any of his duties as a board member.

The students and teachers that live in Brantley County all know how wonderful Mr. Lee is, Mr. Speaker. But probably none know as well as his family that loves him so dearly. In addition to being a county school board member, John Lee was married to Mrs. Eula Mae Herrin for 58 years before she passed away, unfortunately, on October 16, 1998. Together they raised 3 sons and 3 daughters, and John is the proud grandfather of 15 grandchildren and 3 great-grandchildren. They can all be proud of John and join with me in celebrating his life and thanking him for his tireless service.

It is hard to imagine that someone could commit 36 years of their life to one cause and do it so well. But John Lee has done that as a member of the Brantley County education board, and he has done it with great humility. I am glad that Mr. Lee will now be able to relax and enjoy his life as a simple farmer, which is his natural profession, having farmed all of his life. He is a deacon and member of Hickox Baptist Church, and it is high time that he be able to enjoy the days in Hickox, GA. He has earned his time to rest, and the entire State of Georgia is indebted to him and his service. Thank you John Lee, you have meant more to the people of Brantley County than you could know, and you will never be forgotten.

TRIBUTE TO SAM H. BOYCE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great Arkansan and an outstanding citizen. I am proud to recognize Sam Boyce in the U.S. Congress for his invaluable contributions and service to his community, his state and his nation.

Sam showed signs of the talent, determination and achievement that have been the hallmarks of his career at an early age, when he graduated valedictorian from Tuckerman High School in 1949. After receiving a bachelor of science in journalism from the University of Arkansas, Sam served his country in the Armed Forces, rising to the rank of Second Lieutenant in the Army Signal Corps.

In 1958, Sam graduated with his law degree from the University of Arkansas. Since then, Sam used his legal acumen to champion the rights of Arkansans in the legal system and to assume a leading role on two issues of particular importance to the people of Arkansas: worker's compensation and Social Security. During his career, he co-chaired United Labor of Arkansas, chaired the Arkansas Trial Lawyers Worker's Compensation section and served on the Legislative Ad Hoc committee on Worker's Compensation Reform. His work on Social Security issues includes chairing the Social Security Committee of the Arkansas Bar Association and his continuing service on the Executive Committee of the National Organization of Social Security Claimants Representatives.

Above all, Sam's career has centered on service and leadership. In the 1960's, Sam twice ran for statewide office, including a gubernatorial bid in 1966. Later, Sam was a member of the Arkansas Bar Association House of Delegates and continues to serve on the Board of Governors of the Arkansas Trial Lawyers.

He's a man who has truly used his talents and abilities, particularly his legal expertise, to benefit the people in his community and across Arkansas. He has made life better and richer for all—like me—who were lucky enough to call him a friend. On behalf of Congress, I pay tribute to Sam Boyce for his tireless service to the people of Arkansas and the United States.

HONORING INOVA MOUNT VERNON HOSPITAL, THE MOUNT VERNON-LEE CHAMBER OF COMMERCE LARGE BUSINESS OF THE YEAR, 2002

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Inova Mount Vernon Hospital, which was named the 2002 Large Business of the Year from the Mount Vernon-Lee Chamber of Commerce.

Having served its community with steadfast dedication for over 25 years, Inova Mount Vernon Hospital is well deserving of this recognition. Since 1977, Inova Mount Vernon Hospital has been devoted to providing quality health care services in the most customer-friendly service environment possible.

In 2002 the hospital implemented its ''Service Excellence—Straight From the Heart'' focus to provide all staff, volunteers, and physicians additional tools to meet and exceed the service expectations of their patients. This new service campaign produced fantastic results, with impatient and outpatient satisfaction increasing substantially.

In the interest of promoting health and wellness, the hospital regularly offers free blood pressure screenings and each fall provides an opportunity for community members to receive flu shots. Health fairs and free health screenings are frequently offered as well. Through these activities, Inova Mount Vernon Hospital has clearly established itself as a prominent and vital member of the Northern Virginia business and health care communities.

Mr. Speaker, in closing, I call upon my colleagues to join me in congratulating Inova Mount Vernon Hospital and its staff for their many achievements, and wish them continued success in the future.

NAGORNO KARABAKH 15TH ANNIVERSARY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise to speak today to extend my congratulations to the people of the Nagorno Karabakh Republic, who are celebrating the 15th anniversary of the Karabakh Movement for Independence. On February 20, 1988, the Legislature of Nagorno Karabakh, officially petitioned the then-Soviet Union to reunite with their ethnic compatriots in Armenia. The people of Nagorno Karabakh struggled bravely and selfessly in the face of tremendous institutionalized violence and oppression orchestrated by succeeding totalitarian governments. Despite years of ethnic cleansing, forced economic discrimination and state-sponsored violence and intimidation, residents of Nagorno Karabakh, 96 percent of whom are Armenian, never strayed in their struggle for independence. It wasn't until the collapse of the Soviet Union and the end of the cold war that they were to get their wish, but not without cost. Armed conflict engulfed the region in the early 1990s, but a fragile peace has not taken hold.

It is for these reasons that I urge my colleagues to take this historic opportunity, inspired by the anniversary of their most recent struggle to live in freedom and the free and transparent elections they have held since 1996, to support this fledgling democracy. The people of Nagorno Karabakh are to be congratulated for their perseverance and resolve in their struggle for self-determination on this 15th anniversary. I hope that this Congress will continue to assist them in the continued development of their new democracy, which serves as a beacon of hope to oppressed people seeking democracy around the globe.

NATIONAL VISITING NURSE ASSOCIATIONS WEEK

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is my honor to introduce to my colleagues a resolution establishing a National Visiting Nurse Associations Week. Serving communities around the country for over 120 years, congressional recognition and gratitude for these nonprofit home health agencies is long over due. Currently, they are composed of 500 different associations and care for over 4,000,000 patients each year, many of whom are chronically ill and unable to pay medical expenses.

In a country crippled with staggering health care and medical costs, the Visiting Nurse Association continually and successfully works to achieve its mission of cost-effective and compassionate home and community-based health care to individuals regardless of the individuals' condition or ability to pay for services. They are a leading provider of mass immunizations in the Medicare program and constitute over 50 percent of all Medicaid home health admissions. The association relies heavily upon volunteer nurses and reinvests any budget surplus into charity care, adult day care centers, wellness clinics, Meals-on-Wheels, and immunization programs.

This resolution would designate the second full week in February as National Visiting Nurse Associations Week in order to increase public awareness of the charity-based organization. They unquestionably deserve recognition for their noble services and by establishing this resolution Congress would support the continuation of their mission.

I am proud to recognize these invaluable contributions of our VNA's by cosponsoring this legislation.

RECOGNITION OF THE NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES, CHAPTER 307, ST. JOSEPH, MISSOURI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the National Association of Retired Federal Employees, Chapter 307 of St. Joseph, Missouri on this, their 50th Anniversary.

The National Association of Retired Federal Employees is dedicated to protecting the earned retirement benefits of Federal employees, retirees and their survivors. The organization was founded in 1921 by fourteen Federal employees and has grown over the years to more than 400,000 Federal and Postal employees, retirees, spouses and survivors.

Mr. Speaker, I proudly ask you to join me in commending Chapter 307 for their accomplishments with the National Association of Retired Federal Employees and in congratulating them on their 50th anniversary.

HONORING THE MOUNT VERNON VOICE, THE MOUNT VERNON-LEE CHAMBER OF COMMERCE NEW BUSINESS OF THE YEAR, 2002

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the Mount Vernon Voice, which has recently been named the 2002 New Business of the Year by the Mount Vernon-Lee Chamber of Commerce.

The Voice, founded by Marlene Miller and Steve Hunt, is a weekly newspaper dedicated to providing complete community coverage of the Mount Vernon and Lee Districts and the City of Alexandria. Having celebrated its one-year anniversary in January 2003, the Mount Vernon Voice has already proven to be a good neighbor and an invaluable member of its community.

Being the only newspaper located in the community, it serves and is staffed by residents of the area. Additionally, the Voice is proud to sponsor numerous community events and organizations, including Mount Vernon Community Day, the Mount Vernon Orchestra, Lee District Nights, educational forums on local public schools, the Alexandria Red Cross Waterfront Festival, the Animal Welfare League's Canine games, and many more community functions.

Located in the heart of the 11th District of Virginia, the Mount Vernon Voice has established itself as a vital member of the Northern Virginia community.

Mr. Speaker, in closing, I call upon my colleagues to join me in congratulating the Mount Vernon Voice and its staff for their many achievements, and wish them continued success in their future endeavors.

A RESOLUTION TO URGE THE PRESIDENT TO PRESENT A PRESIDENTIAL CITIZENS MEDAL TO FREDERICK DOUGLASS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to urge the President to present posthumously a Presidential Citizens Medal to Frederick Douglass, in recognition of his achievements in civil rights and service to the nation.

Abolitionist, editor, orator, reformer, and civil rights activist, Frederick Douglass was one of the most influential African-American leaders of the 19th century. The fourth of seven children born to a field hand in Talbot County, MD, Frederick Douglass escaped slavery with great adversity to become a forefather in civil and women's rights.

Throughout his extraordinary life, Frederick Douglass gained international prominence for his lecturing and autobiographical writings, in which he detailed the callousness of slavery. However, his notoriety was largely attributed to the founding of the North Star, a weekly newspaper that not only spoke out against slavery and oppression, but also served as a station on the Underground Railroad.

Douglass' civil rights achievements were also highlighted by a successful political career. As a staunch Republican, Douglass served as an advisor to Presidents Abraham Lincoln and Andrew Johnson. He was appointed as Assistant Secretary of the Commission of Inquiry to Santo Domingo by President Ulysses S. Grant, was appointed U.S. Marshal of the District of Columbia by President Rutherford B. Hayes, and was named Recorder of Deeds for the District of Columbia in 1881 by President James L. Garfield, all of which were firsts for African Americans.

My Speaker, for these achievements and many others, which are too numerous to name, I urge my colleagues to support this legislation and the subsequent letter to the President urging him to posthumously present a President Citizens Medal in honor of Frederick Douglass.

FEBRUARY SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mrs. MCCARTHY of New York. Mr. Speaker, I have named Meadow Elementary in the Baldwin Union Free School District as School of the Month in the Fourth Congressional District for February 2003. Mrs. Joan M. Flatley is the Principal at Meadow School, Ms. Cora Ianuario is Assistant Principal, and Dr. Kathy Weiss is the Superintendent of Schools in the Baldwin Union Free School District. The school has 750 students in grades Kindergarten through 5.

The Meadow Elementary School Community is a close-knit body of parents, teachers, students, and administrators. Their goal is to ensure each child a stable early education through an enriched curriculum that keeps the children excited, and unique programs that appeal to a wide variety of younger children.

The new Character Education Program and the school's determination to create a caring environment for everyone shows the strong commitment Meadow Elementary has to developing student character. Each month Meadow students and staff focus on different character traits, and are rewarded for efforts to achieving the month's traits. The Program emphasizes traits that students should strive for, such as: responsibility, cooperation, respect, generosity, perseverance, acceptance/tolerance, honesty, compassion, fairness, and self-discipline.

The Meadow School has many wonderful programs designed to ensure each child receives individual attention. The special education program is unique to the school. All students in the district, in grades Kindergarten through 5, requiring special education go to Meadow. Currently, there are 80 students in the program. Also, the English as a Second Language program helps 30 students every day conquer their fears and language barriers.

Long Island students receive a better education thanks to the faculty and teachers of Meadow Elementary School and I am proud to name them school of the month for February.

CONGRATULATING COACH ROBERT CAPELLO ON HIS 800TH CAREER VICTORY

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. HINOJOSA. Mr. Speaker, I would like to call to the attention of my colleagues the remarkably successful coaching career of Robert Capello, the long-time coach for Edcouch-Elsa High School in my congressional district.

Coach Capello recently celebrated his 800th career victory, making him the only Hispanic high school basketball coach in the Nation with 800 victories. Even more remarkable, Coach Capello boasts a 69 percent victory percentage over his 36-year career at the helm of the Edcouch-Elsa Yellowjackets. His great success over the years is evidenced not only by that career victory milestone but by the many championships his teams have won. The Edcouch-Elsa Basketball Team has been District Champions for 11 of the past 19 years. They have played in the Texas State playoffs in 19 of the past 21 years. They are the first school in the Rio Grande Valley to send four players to the Texas High School Coaches Association South All Star games.

Robert Capello is not only an excellent basketball coach, he has also been an extraordinary role model and mentor to hundreds of boys and girls who have graduated from Edcouch-Elsa High School over the years. He inspires his athletes to excel both on the court and in the classroom, and has encouraged all students at Edcouch-Elsa to reach their fullest potential by pursuing a college education.

Mr. Speaker, I ask all Members of Congress to join me in congratulating Coach Robert Capello for his 800th career basketball victory, and for his 36 years of inspirational leadership and caring commitment to the students of Edcouch-Elsa High School.

HONORING FRANK MEEKS AS THE MOUNT VERNON-LEE CHAMBER OF COMMERCE CHAMBER CITIZEN OF THE YEAR, 2002

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Mr. Frank Meeks, who has recently been named the Chamber Citizen of the Year by the Mount Vernon-Lee Chamber of Commerce.

Mr. Meeks earned a degree in political science and English from the University of Southern Mississippi, with the goal of attending law school. In order to help defray the cost of continuing his education, he became a delivery boy for Domino's Pizza in 1979. Within a short amount of time, Mr. Meeks became manager of the store, and decided to stay with Domino's.

In December 1980, Mr. Meeks took 2 years off from Domino's Pizza and served as a congressional aide for Senator TRENT LOTT, then a Member of the House of Representatives. Mr. Meeks continued to earn extra money by assisting Domino's Pizza in opening up new stores in the Virginia area. After 2 years with Mr. LOTT, Mr. Meeks decided to return to Domino's and was awarded the franchise for Northern Virginia and Washington, DC. Mr. Meeks opened his first store in July 1983 in Alexandria, Virginia. Today, Frank Meeks oversees the operation of fifty-nine Domino's Pizza stores in Washington, DC, Maryland, and Northern Virginia. Mr. Meek's franchise, Domino's Pizza Team Washington, continues to be one of the top franchises in Domino's Pizza, Inc.

Under Mr. Meek's leadership, Team Washington has been active in supporting area schools. Team Washington has generously contributed to the post prom and after graduation parties in Fairfax County, Virginia, and Montgomery County, Maryland. In addition, Team Washington has also contributed to the Washington's Children's National Medical Center, Food and Friends, Mount Vernon High School, and numerous other organizations.

Mr. Speaker, in closing, it gives me great pleasure to extend my warmest congratulations to Mr. Frank Meeks. I call upon my colleagues to join me in honoring him for all of his success and dedication to his work and the community.

TRIBUTE TO DELOISE JONES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, in commemoration of Black History Month, I would like to take this opportunity to recognize the many accomplishments of distinguished African-Americans in Mississippi's Second Congressional District.

Today I rise to pay tribute to Deloise Jones. Mrs. Jones is a native of Jackson, Mississippi. She earned a bachelor's degree in Economics from Tougaloo College. She then went on to earn a master's degree in Early childhood Education from Jackson State University.

Mrs. Jones began her career as an economist with the Labor Department in Washington, DC. In 1981, she became an elementary teacher in the Jackson Public School (JPS) District in Jackson, Mississippi, where she has served since. In 1994, she served a 4-year tenure as president of the Jackson Association of Educators.

Mrs. Jones has received numerous awards and recognitions for her commitment and service in the interest of public education and the teaching profession. These acknowledgments include the Silver Apple Award, which she was presented by JPS Board of Directors in 1983. In 1988, she was appointed as a teacher representative to the Paperwork Reduction Task Force by then Governor Ray Mabus. And, most recently was selected as teacher of the year by her colleagues at the elementary school where she currently works.

Mrs. Jones is a valued member of the community and her contributions are greatly appreciated.

INTRODUCTION OF NATIONAL VISITING NURSE ASSOCIATION WEEK

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. MARKEY. Mr. Speaker, today Representative JOHN PETERSON and I are introducing a bill to establish an annual National Visiting Nurse Association Week during the second week of May in honor of the army of health care heroes who, every day, comfort, care for, and assist our loved ones. Modern society takes for granted the need for nursing as an indispensable component of our public health system, but this was not always the case. The very concept of a visiting nurse can be traced to the pioneering work of Florence Nightingale. She reformed British military hospitals in the Crimean War through an expose in the British press, she professionalized nursing and made it an acceptable profession for educated women, devoted the rest of her life to building on her experiences, setting standards and writing books, until the mission of nursing had gained the respect of the world.

When Henry Wadsworth Longfellow read of the work of Florence Nightingale, he penned a poem, Santa Filomena, that spoke of the deep appreciation owed by all of us to those dedicated to service in the ultimate caring profession. He wrote:

Whene'er a noble deed is wrought,
Whene'er is spoken a noble thought,
Our hearts, in glad surprise,
To higher levels rise.

The tidal wave of deeper souls
Into our inmost being rolls,
And lifts us unawares
Out of all meaner cares.

The Visiting Nurse Associations of today are founded on the principle that the sick, the disabled, and the elderly benefit most from healthcare when it is offered in their own homes. They are non-profit home health agencies that provide cost-effective and compassionate home and community-based health care to individuals, regardless of their condition or ability to pay for services. Through these exceptional organizations, 90,000 clinicians dedicate their lives to bringing healthcare into the homes of over 4 million Americans every year. In the face of rising costs and drastic changes in our health care system, visiting nurse associations have continue to deliver high quality health services for over 120 years.

It is time for Congress to recognize the vital services that visiting nurses provide their patients. Moreover, visiting nurses also are an indispensable lifeline for families. The comfort and quality care that visiting nurses provide can help family members cope with the difficulties of a loved one's illness.

I am proud to be introducing this important legislation with my colleague Representative PETERSON and urge my colleagues to join us in supporting National Visiting Nurse Association Week.

PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2003

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 2003

Mr. EMANUEL. Mr. Chairman, I rise today in opposition to H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003, and in support of the Democratic substitute amendment.

For twenty years, a complicit agreement regarding welfare existed between conservatives and liberals in this country. Conservatives refused to devote more money to the program, and liberals refused to demand anything of recipients. We lost two generations of Americans to this failed system of dependency.

I am a long-time believer in welfare reform. I worked in the White House and with the Congress to help enact the welfare reform legislation of 1996—and I was proud to be a part of the strong, bipartisan reform that legislation created. I applaud my colleagues in the House on both sides of the aisle who helped to pass what has been a landmark of successful reform. The 1996 reforms broke from the past with a new approach that grounded the welfare system in the values of work and responsibility. It was a bold and daring experiment that worked.

Instead of simply handing needy families a check, we created new opportunities for families on welfare. By providing access to education and training, we helped welfare recipients to get better and more lucrative jobs. Recognizing recipients' need to care for their young children, we helped them to get child care, and allowed mothers of young children modified work requirements. Realizing that many low-paying jobs do not provide health insurance, we instituted transitional medical assistance for families coming off welfare.

Since enactment of the 1996 reforms, enrollment has plunged more than 50 percent. The percentage of welfare recipients who work has increased five-fold over the past decade, and states now spend more on work support than on cash benefits. Thanks in large part to welfare reform, 8 million people left poverty in the 90s, teen pregnancy dropped by more than 20 percent, and child support collections doubled. We are moving in the right direction because we were true to our common values.

The most important thing we've accomplished with welfare reform has been to connect a generation of children with the culture of work. Most of us grew up watching our parents go to work. We internalized the value of work and now are passing these values onto our own children. Today, millions of children who would otherwise have grown up in a home where work was alien, now are being raised in a home where they are learning the routine of work.

In my state of Illinois, caseloads dropped 74.9 percent between 1996 and 2001, and, despite the recession, continued to fall an additional 23.7 percent in 2002. Many credit our strong success in caseload reduction to the state's innovative use of the flexibility in the original legislation, allowing Illinois to provide appropriate support for families making the transition from welfare to work. The proposed reauthorization will have a particularly disastrous effect on states like Illinois that have taken advantage of family support provisions to make notable progress. By removing the support system that has allowed many to get off and stay off welfare, this legislation is likely to create major setbacks in the progress of reform.

The Democratic substitute amendment builds on the success of the 1996 reforms. It retains the strong work incentives that not only help individuals go back to work, but provide then with greater job security by helping them become better educated, and train for better jobs. It recognizes the importance of giving mothers with young children the flexibility to take care of their children. It eliminates the current exclusion of legal immigrants from the system.

The Republican legislation represents a return to the failed ideologies of the past. It is not realistic to count the number of new hours of work mandated by this bill, and call reform a success. In voting for this legislation, you are voting against education and training to help current welfare recipients get out of dead-end jobs. You are voting for standards that will create hardships for working mothers, and add thousands to waiting lists for child care. You are voting to continue to exclude legal immigrants from participating in a program that would help them to contribute to this country rather than being simply a drain on the system.

In fact, I find the title of this legislation ironic: The Personal Responsibility, Work, and Family Promotion Act in fact stifles personal responsibility, discourages work, and creates hardship for families. Inherent in the concept of personal responsibility is making the choice to work towards self-improvement. By mandating more hours of work while limiting the training and education options are available to workers, this bill removes all incentive for personal responsibility.

Promoting work is not as simple as increasing work hours. There are likely to be countless individuals who, because they do not have the time, health, or child care resources to work forty hours each week, or simply cannot find a job where they are permitted to work forty hours, will choose instead not to work at all. If this legislation aims to promote work, it must do so by making work more realistic for workers and their families, not by imposing mandates that make working more difficult.

Lastly, the legislation creates untold hardship for families. By increasing mandated work

hours, while eliminating the current accommodation for women with young children, the bill will vastly increase the need for child care, without providing resources to the states to pay for it. Beyond this, the fact that the legislation limits opportunities for education and vocational training will keep many individuals in dead-end, low-paying jobs, with limited possibility to create better opportunities for their families.

Creating bipartisan compromise on welfare reform is never easy. It took us three tries to find a bill that worked in 1996. However, in this time of economic hardship for our nation, and our states in particular, it is even more essential that the Congress works in a bipartisan fashion to forge compromise on a welfare reform reauthorization that works. Welfare reform succeeded in 1996 when we stopped making it a political issue, and devoted our selves to passing meaningful legislation.

I have no illusions about what is going to happen today. However, I am disappointed that this Congress has chosen to take an enormous step backwards, prioritizing politics over pragmatism on an issue on which we have allowed good principles to rule in the past. I know that there are good people on both sides of the aisle, with good values, who have seen reforms we created improve the lives of people back home. To those in this Congress with whom I worked in 1996, let us not walk away from that we have accomplished. We have a mutual obligation not to let bad politics undo our good work.

I am confident that there will be no shortage of politics and partisan fights this session—about their tax cut, the deficit, Medicare reform, prescription drugs. To give up on proven success on welfare reform to engage in another unnecessary partisan fight is wrong.

Welfare reform is about demanding responsibility, encouraging work, and making work pay. Over the past six years, we as a nation—and millions of individuals—have benefited from our willingness to move beyond the old politics. This legislation represents a return to the failed politics and policies of the past. It is not compassionate nor is it conservative. It does a disservice to millions of families who have moved from welfare to work, and to the millions still struggling to do so. And it does wrong by our value as Americans.

HONORING RENT-ALL CENTER, THE MOUNT VERNON-LEE CHAMBER OF COMMERCE SMALL BUSINESS OF THE YEAR

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Rent-All Center which was named the 2002 Small Business of the Year by the Mount Vernon-Lee Chamber of Commerce.

Located in the heart of the 11th District of Virginia, the Rent-All Center was opened by Freeman and Lois Jones in 1970. It was created to serve the Mt. Vernon community as a source for home improvement and light contracting equipment. Today, the company has grown from a local tool rental shop into a full service party rental company, servicing the entire metro Washington, DC, area.

The Rent-All Center can best be described as a family-operated business. While currently managed by Douglas Jones and Judith Beyer, the children of Freeman and Lois Jones, on any given day three generations of family members can be found working there.

In addition to its outstanding business ethic, the Rent-All Center has distinguished itself through its commitment to serving the local community through participation in numerous community organizations, such as the Southeast Fairfax Development Corporation. Rent-All Center also supports youth sports, and is a member of the Board of Directors of the Woodlawn Little League.

Mr. Speaker, in closing, I call upon my colleagues to join me in congratulating Douglas Jones, Judith Beyer, and all those associated with the Rent-All Center for their many achievements, and wish them continued success in their future endeavors.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE ''COLUMBIA''

SPEECH OF

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. MCHUGH. Mr. Speaker, today I rise with a heavy heart, joining with the rest of the Nation in sorrow for the loss of the *Columbia* Shuttle and its seven heroic crew members. This tragedy, felt so deeply by all Americans, holds particular poignancy throughout my district. Both Payload Commander Michael Anderson and Pilot William McCool leave friends and family behind in New York's North Country.

Michael Anderson was born along the Canadian border in Plattsburgh, NY, in 1959, as his father served at the former Plattsburgh Air Force Base. Less than 40 years later he would return as an Air Force officer himself, working to the rank of lieutenant colonel before joining the NASA astronaut program in 1995. Today, many men and women in Plattsburgh remember Michael fondly. Ricky Jenkins, a 71-year-old Vietnam War veteran who worked with Michael at the former Plattsburgh Air Force Base, said in the local newspaper soon after the shuttle's loss ''I was so very proud of him for doing what he was doing. He was a role model . . . I will never forget Michael.'' Hours after President Bush helped the astronauts' families celebrate their loved ones at a national service in Houston several weeks ago, the Plattsburgh community celebrated Michael's life in particular with their own candlelight vigil. A youth choir, Boy Scouts honor guard and presentation by Gov. George Pataki marked the celebration. Plattsburgh Mayor Dan Stewart spoke for the community earlier in the day. I share their sentiments here: ''This is our opportunity as the birthplace of a national hero to send our condolences. It's for them to know we are with heavy hearts in Plattsburgh.''

Less than 200 miles west of Plattsburgh, at the Army's Fort Drum base in Watertown, Warrant Officer Shawn McCool grieves for his brother, *Columbia* Pilot William McCool. Shawn McCool said his brother was one of his favorite people in the world, one of his greatest heroes. To the McCool family, and the families of all the astronauts we lost, I pledge that their loved ones' deaths are not in vain. Their enthusiasm and passion to explore the skies beyond us in the interest of mankind will always hold our deepest gratitude. And the space program their husbands, wives, mothers, fathers, sons and daughters died for will live on in their honor.

As we begin to understand the circumstances surrounding *Columbia*'s loss that Saturday morning over Texas, we must remember what NASA embodies. It was founded in 1958 to explore a new frontier, discover new heights and wonders in science. It is responsible for cutting-edge aeronautics research in a aerodynamics, wind shear, wind tunnels, flight testing and computer simulations. It has performed invaluable research on ways to dampen the effect of shock waves on transsonic aircraft. It has also launched a number of significant scientific probes that have explored the moon, the planets and other areas of our solar system. NASA has been responsible for the Hubble Space Telescope and other revolutionary space science spacecraft that enabled scientists to make a number of significant astronomical discoveries in our universe.

I truly believe the lives the men and women of *Columbia* led, like the lives of those astronauts who went before them, exemplify the commitment that lies behind our nation's space program. In an e-mail transmission hours before the *Columbia* crew attempted to return home, Michael Anderson illustrated their passion with these words: ''It's kind of with mixed emotions that we get ready to come home. But we have enough fond memories to last us a lifetime.''

As the House Science Committee, led by my colleague and New York neighbor, SHERWOOD BOEHLERT, initiates its investigation, Congress pledges to focus on which policies may have contributed to this tragedy. We owe nothing less to those we now mourn, Michael Anderson, William McCool, Rick Husband, Laurel Clark, Kalphana Chawla, David Brown, and Illan Ramon.

HONORING ROSA AND JACK KELLEY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Rosa and Jack Kelley's contributions to the African American Historical and Cultural Museum of California's San Joaquin Valley. On Saturday, February 15, the retirement of Jack Kelley, the memory of his wife Rosa, and the beginning of the Kelley Endowment Fund for the African American Museum was celebrated in Fresno, California.

Jack Kelley has been an active member in the community throughout his life. Mr. Kelley served his country bravely in World War II. Jack continued his brave and honorable service to America as one of the first African American policemen for the Fresno Police Department, and later as the first African American to be promoted to Sergeant within the Department. Showing his range of diversity,

Jack was drafted as a professional football player after graduating from Fresno State University.

The late Rosa Kelley served the public as a Licensed Vocational Nurse and elementary school teacher. She was an active member in her church and many other civic activities in the community. She was known as a devoted wife, mother, aunt, grandmother, and great-grandmother whose love, kindness, and encouragement touched the lives of many people throughout her life and allowed the Museum to be at the status it is today.

Mr. Kelley began his 12-year dream of creating an African American Historical museum of the pioneers of the San Joaquin Valley out of the trunk of his car. His perseverance to display the photos and artifacts from early African American pioneers to the public has lead to his vision becoming a reality.

The African American Historical & Cultural Museum has promoted an understanding, appreciation, and awareness of African Americans historically and culturally throughout the San Joaquin Valley who have been pioneers and role models in their community. The Museum serves as a permanent home to remember the work of African Americans of the Valley.

Mr. Speaker, I am pleased to honor Jack and Rosa Kelley for their outreach in the community and their dedication to the African American Historical and Cultural Museum. I urge my colleagues to join me in wishing Jack Kelley and the Museum many more years of success.

TRIBUTE TO KATIE AND JIM KEEGAN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to Katie and Jim Keegan, Catholic Charities 2003 recipients of the Monsignor Thomas J. Reese award.

The award is named for the late Monsignor Thomas J. Reese, the long-time Director of Catholic Social Services (now Catholic Charities), for his commitment to serving those in need throughout our community. As a tribute to Monsignor Reese, each year an honoree is selected who is a leader in his/her field and in the community and who possesses outstanding integrity worth emulating. This year Catholic Charities has selected the Keegans in recognition of their service to others in the community both as individuals and together.

I rise today to praise Katie and Jim Keegan for their contributions to the State of Delaware and its citizens through years of helping the community and serving as advocates for community service in the State.

In addition to graduating from Chestnut Hill College and raising five children, Katie Keegan has been a tireless advocate for the young people and those less fortunate. Katie had demonstrated her faith by serving in various positions, including: Youth Encounter Leader, Confraternity of Christian Doctrine (CCD) teacher and Board member of the Bayard House, a facility that assists single young women as they prepare for motherhood. Over the years, Katie Keegan has also served as a committee member for the TEE-Off for Kids Golf Tournament benefiting Catholic Charities. She is in her own right a dedicated leader in the community, as she has touched the lives of so many in Delaware.

Jim Keegan is a graduate of Notre Dame. Following graduation, Jim spent two years in the U.S. Navy prior to joining the DuPont Company. In addition to his dedication at DuPont, Jim has been active and held leadership positions in a wide variety of church and educational efforts ranging from Chairman of the Diocesan Annual Catholic Appeal and membership on the leadership team for Bringing the Vision to Life Diocesan Campaign to various volunteer commitments in surrounding schools and parish councils.

On Thursday, February 20, 2003, at 6 p.m., Catholic Charities Inc. of the Diocese of Wilmington honored Katie and Jim Keegan at its Annual Tribute Dinner in Wilmington, Delaware.

Mr. Speaker, I salute Katie and Jim Keegan for the time they spend giving back to the community in Delaware. They are fine examples of the generosity and compassion that is common in the Catholic faith and American spirit. Their selflessness, sacrifice of time and commitment to service, has already given them a permanent place in Delaware's history.

THE MONTGOMERY GI BILL ENHANCEMENT ACT

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. CAMP. Mr. Speaker, today I am introducing legislation to correct an unfair restriction that is preventing some of our career military service members from using the Montgomery GI Bill.

Education assistance has been a cornerstone of military benefits for over 50 years. congress recognized that military service often prevented young people from attending school and attaining higher levels of education. In 1944, Congress passed the original education bill for service members, the Serviceman's Readjustment Act. This World War II era legislation provided billions of dollars in education and training incentives for veterans and active duty personnel. The nation has reaped many times that amount in return investment from a well-trained work force and a more productive society.

Building on the success of the original GI Bill, Congress has passed several other pieces of legislation expanding veterans' educational benefits. The Veterans' Educational Assistance Program (VEAP) was enacted in 1976 as a recruitment and retention tool for the post-Vietnam era. This was the first program requiring payment contributions from military personnel while they were on active duty and was available to people who entered active duty between December 31, 1976 and July 1, 1985.

In 1984, Congress passed the All volunteer Force Educational Assistance program; more commonly call the Montgomery GI Bill (MGIB). This expanded program provided better benefits that offered under VEAP and last year Congress passed legislation to boost MGIB by a record 46 percent over two years. With the enactment of this legislation, an estimated 409,000 veterans and service members will receive assistance under MGIB for education and training in 2003.

In 1996, Congress passed Public Law 104–275, allowing VEAP participants to transfer their education accounts to MGIB and 41,041 veterans and servicepersons took advantage of the opportunity. The opportunity to convert to MGIB is very important because the benefits available are much greater. Unfortunately, those individuals who were on active duty before 1985 and did not participate in VEAP were not eligible to sign-up for MGIB, leaving a gap in available coverage for certain career military personnel. Congress has voted several times in the last decade to allow VEAP participants opportunities to transfer to MGIB, but there has not been an opportunity for those who did not have VEAP accounts to sign up for the new program, excluding them from taking advantage of great educational benefits.

This unjust situation can easily be remedied. My legislation provides a one-year open enrollment period for individuals falling into the gap to attain the benefits that they deserve. This is a matter of equity. We cannot neglect our career military personnel; they have served bravely and honorably for decades and their experiences are crucial to the security of our nation. Now is the opportunity to ensure that they are provided for and have the same benefits that are available to other members of the Armed Forces.

HONORING THE NATIONAL BASS GUIDE SERVICE AS THE MOUNT VERNON-LEE CHAMBER OF COMMERCE HOME-BASED BUSINESS OF THE YEAR, 2002

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to congratulate National Bass Guide Service on their recognition by the Mount Vernon-Lee Chamber of Commerce as the Home-Based Business of 2002.

Founded by Steve Chaconas, National Bass Guide Service is a fishing charter operation on the Potomac River that specializes in largemouth bass. Since its foundation two years ago, National Bass Guide Service has tripled the number of fishing charters it provides. In addition, Mr. Chaconas has expanded into outdoor writing for four publications, giving more exposure to the sport of fishing.

In addition to the numerous services they provide along the Potomac River, National Bass Guide Service is dedicated to contributing to the community. Mr. Chaconas has served as chairman and Master of Ceremonies for the St. Jude Children's Hospital Annual Bass Fishing Tournament, raising nearly $100,000 for the hospital. National Bass Guide Service has also donated fishing trips to the Hollin Hall Senior Center, the Recreation Boating and Fishing Foundation, as well as to churches and organizations for fundraising auctions.

Mr. Speaker, in closing, it is an honor to extend my warm congratulations to National

Bass Guide Service for all of their achievements. The recognition by the Mount Vernon-Lee Chamber of Commerce is well deserved. I call upon my colleagues to join me in wishing the National Bass Guide Service future success.

TRIBUTE TO THE 144TH MILITARY POLICE COMPANY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. ROGERS of Michigan. Mr. Speaker, Congressman DAVE CAMP and I rise today to honor the service of the men and women of the 144th Military Police Company from Owosso, MI, who spent the past year defending the Pentagon.

The 144th has a proud history of service in time of need. In 1990–91, the unit was activated and sent to Saudi Arabia during Operation Desert Shield/Desert Storm, where it operated a holding camp for Iraqi prisoners of war. Numerous members of the unit have volunteered to serve at Michigan airports, border crossings, the Bioport facility in Lansing.

In the aftermath of September 11, 2001, the effort of these soldiers has kept safe the command center for America's fighting men and women, and the heart of our national defense operations. These soldiers have sacrificed much for their country, putting their lives on hold to serve America.

Today, as our Nation engages in a war on terrorism, these men and women are role models for their fellow citizens as they stand in defense of our nation and the free world. Their devotion and commitment to their country and to the state of Michigan have earned them great respect.

Mr. Speaker, we ask our colleagues to join us in extending our gratitude to the fine men and women of the 144th Military Police Company. We are honored to recognize their service.

INTRODUCTION OF THE UNITED STATES LIFE-SAVING SERVICE HERITAGE ACT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. PALLONE. Mr. Speaker, today I introduce the United States Life-Saving Service Heritage Act, legislation to celebrate one of the most inspiring periods in America's maritime history. This legislation would establish a comprehensive program to inventory, evaluate, document, and assist efforts to restore and preserve surviving historic lifesaving stations. I am pleased that my Jersey Shore colleague Representative FRANK LOBIONDO has joined me in this effort.

The history of lifesaving in the United States dates back to 1785, when the Massachusetts Humane Society began building huts along the Massachusetts coast to aid shipwreck victims. These huts were later fitted with surfboats, beach-carts, and other lifesaving equipment. Beginning in 1847, the Federal government recognized the importance and necessity of lifesaving efforts when Congress provided a series of appropriations to establish lifesaving stations equipped to render assistance to shipwrecked mariners and their passengers. These stations were first established along the Atlantic coast with the assistance of Representative William Newell, who during the 31st and 39th Congresses represented some of the same areas of New Jersey that I represent today. Representative Newell's efforts contributed to the establishment of a network of lifesaving stations along the Jersey Shore from Sandy Hook to Cape May. In 1871, Congress approved the first appropriation for the Federal government to employ crews of lifesavers. On June 18, 1878, the ''Act to Organize the Life-Saving Service'' was enacted. In 1915 the Life-Saving Service merged with the Revenue Cutter Service to form the Coast Guard. At that time, there were over 275 lifesaving stations to aid shipwreck victims on the Atlantic, Pacific, Gulf, and Great Lakes coasts.

The volunteer and professional lifesaving personnel who staffed these stations risked their lives to prevent shipwreck casualties. Winslow Homer immortalized these great heroes of the American coast in his painting The Life Line. Walt Whitman celebrated their inspiring actions in the following excerpt of his poem Patrolling Barnegat:

Through cutting swirl and spray watchful and firm advancing,
(That in the distance! Is that a wreck? Is the red signal flaring?)
Slush and sand of the beach tireless till daylight wending,
Steadily, slowly, through hoarse roar never remitting,
Along the midnight edge by those milk-white combs careering,
A group of dim, weird forms, struggling, the night confronting,
That savage trinity warily watching.

An outstanding example of this period survives today in my district. The historic Monmouth Beach lifesaving station, established in 1895, is a Duluth style station designed by the architect George Tolman. On one occasion, every member of the station's crew was awarded a gold lifesaving medal for rescuing victims of two shipwrecks on the same evening. This historic structure had been slated for demolition to make way for a new parking lot for beachgoers. Fortunately, the entire community came together to save this important structure but work still needs to be done to preserve the station's history and the inspiring stories of those who served there.

It is not certain exactly how many stations like the one in Monmouth Beach remain. Many surviving historic lifesaving stations are of rare architectural significance, but harsh coastal environments threaten them, rapid economic development in the coastal zone, neglect, and lack of resources for their preservation. The heroic actions of America's lifesavers deserve greater recognition, and their contributions to America's maritime and architectural history should be celebrated.

That is why I have proposed the United States Life-Saving Service Heritage Act. This legislation would provide the resources necessary to inventory, document, and evaluate surviving lifesaving stations. It would also provide grant funding to assist efforts to protect and preserve these maritime treasures.

The United States Life-Saving Service Heritage Act would authorize the National Park Service, through its National Maritime Initiative, to inventory, document, and evaluate surviving historic lifesaving stations. These activities would be conducted in cooperation with the U.S. Life-Saving Service Heritage Association, a Massachusetts based nonprofit educational organization that works to protect and preserve America's lifesaving heritage. This inventory, documentation, and evaluation would be similar in nature to a study completed by the Park Service in 1994, on historic lighthouses. Under this legislation, the Park Service would serve as a clearinghouse of information on lifesaving station preservation efforts, which would greatly assist public and private efforts to protect these historic structures and the maritime heritage that they embody.

Mr. Speaker, I urge my colleagues to support this legislation to celebrate one of the most heroic and inspiring periods in America's maritime history.

HONORING THE RESPONSIBLE SOCIAL INVOLVEMENT PROGRAM AT IOWA WESLEYAN COLLEGE

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. LEACH. Mr. Speaker, I rise today to invite the attention of my colleagues to a remarkable program at Iowa Wesleyan College, a 161-year-old, Methodist-affiliated liberal arts college in Mr. Pleasant, IA.

In conjunction with National Volunteer Month, this week the college is celebrating the achievement of 1 million hours of service to society by its graduates through participation in its Responsible Social Involvement (RSI) program.

In the 35 years since its inception, RSI—with its requirement of a minimum of 160 hours of work with a nonprofit organization, as well as the keeping of a journal, the writing of an essay and the making of an oral presentation—has become a national paradigm for public service.

More than simply a requirement that must be met for graduation, participation in RSI has proven a life-transforming experience for thousands of Iowa Wesleyan students.

In 1739, John Wesley, the founder of the Methodist church, confided to his journal that ''I look upon the world as my parish.'' The young men and women Iowa Wesleyan sends from its campus through RSI discover a world in which too often the so-called ''me-generation'' succumbs to the temptation to decouple freedom from responsibility.

Today it is tempting to seek freedom by abjuring personal responsibility for addressing the needs of those less well off in our communities. This renunciation of individual accountability is too easily justified by the assumption that the role of meeting societal needs is exclusively that of impersonal bureaucracies. Participants in RSI come to understand that a moral society demands that individuals not duck responsibility for improving the lot of others, that personal fulfillment comes through action rooted, not in ''I'', but ''we.''

The Responsible Social Involvement program at Iowa Wesleyan appropriately epitomizes John Wesley's Rule:

Do all the good you can,

By all the means you can,
In all the ways you can,
In all the places you can,
At all the times you can,
To all the people you can,
As long as ever you can

I am sure my colleagues will join me in congratulating the faculty, staff, students, alumni and friends of Iowa Wesleyan College on reaching the milestone of providing one million hours of service through RSI. They will also want to join me in wishing them Godspeed as they embark on their second million.

ON THE RECOGNITION OF THE SERVICE OF MR. JOHN PORTER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. HOYER. Mr. Speaker, I rise today to recognize John Porter who bravely served as a private in the Maryland Militia during the War of 1812 and was killed in the line of duty.

The War of 1812 should be remembered and revered for its final and permanent confirmation of American Independence.

Mr. Porter served in the Maryland Militia as a member of the 33rd Regiment and served under Captain Benjamin Massey in the Battle of Bladensburg, also known as ''the battle to protect the heart of America.'' The Maryland Militia served at a moment's notice with great enthusiasm, demonstrating the honor and dignity with which they believed came from defending their country and serving this patriotic duty.

The British had three reasons for attacking the Chesapeake Region during the Battle of Bladensburg: to burn Washington, D.C. in order to avenge America's burning of York in Canada; to destroy Baltimore to prevent future naval attacks; and to draw American troops away from the Canadian front. Despite these interests, the Maryland Militia was able to aid their country by defending both Washington and Baltimore and allowed troops to remain on the Canadian front.

John Porter fought valiantly during this battle, and was one of many members of the Maryland Militia who gave their lives in defense of their country.

Mr. Speaker, and colleagues, please join me in recognizing the sacrifice and service of Mr. Porter to both the state of Maryland and to our great nation.

REORGANIZING JESSICA LITTLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jessica Little, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, Troop 1230, and in earning the most prestigious honor of the Gold Award.

The Girl Scout Gold Award is the highest achievement attainable in Girl Scouting. To earn the Gold Award, a Scout must complete five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. The requirements include: (1) Earning four interest project patches, each of which requires seven activities that center on skill building, technology, service projects, and career exploration; (2) earning the Career Exploration Pin, which involves researching careers, writing resumes, and planning a career fair or trip; (3) earning the Senior Girl Scout Leadership Award, which requires a minimum of 30 hours of work using leadership skills; (4) designing a self-development plan that requires assessment of ability to interact with others and prioritize values, participation for a minimum of 15 hours in a community service project, and development of a plan to promote Girl Scouting; and (5) spending a minimum of 50 hours planning and implementing a Girl Scout Gold Award project that has a positive lasting impact on the community.

For her Gold Award Project, Jessica cleaned up and organized a Casa House.

Mr. Speaker, I proudly ask you to join me in commending Jessica Little for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of the Gold Award.

HONORING MR. RICHARD P'POOL

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. WHITFIELD. Mr. Speaker, I rise today to honor Mr. Richard P'Pool of Princeton, Kentucky for his hard work and dedication on behalf of our nation's veterans.

Mr. P'Pool has spent countless hours and resources documenting and recognizing veterans who have been interred without proper ceremony or marker. When discovering a grave without a proper marker, Mr. P'Pool begins to research the veteran. It is necessary to fully document the service member's military career so that the Department of Veterans Affairs can provide a military marker for the grave. Mr. P'Pool helped apply for and received over 300 markers from the Department of Veterans Affairs at his own expense. This process requires hours of tedious and detailed research because the documentation required, including the muster rolls and the extracts from State files or land warrants, is not often not readily available.

Whenever possible, Mr. P'Pool organizes a memorial ceremony to honor the veteran with the assistance of re-enactment soldiers from the 5th Tennessee Infantry Regiment, members of the Sons of Confederate Veterans and members of the United Daughters of the Confederacy. They have memorialized soldiers of the Civil War, Korean War and World War II.

Mr. P'Pool served our country in the United States Army. He worked at the White House Communications Agency under Presidents Nixon, Ford and Carter from 1973 until 1977, and he is currently employed as a millwright in Calvert City, Kentucky in my Congressional District. He is a member of the Caldwell County Historical Society, the Sons of Confederate Veterans, the Kentucky Historical Society, the Kentucky Genealogical Society and the Friends of the National Park at Gettysburg. He is assisting in making application for military monuments to be certified under the Kentucky Military Heritage Act.

Mr. Speaker, I am proud to call attention to the selfless acts of Richard P'Pool. I extend my thanks to him for all his efforts on behalf of so many deserving veterans, and I am honored to bring his accomplishments to the attention of this House.

TRIBUTE TO MR. DONALD S. POWERS AND MAYOR ROBERT PASTRICK

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and enthusiasm that I wish to commend two distinguished members of the Northwest Indiana community for their dedicated service and compassion for their fellow citizens. St. Catherine Hospital honored Mr. Donald S. Powers and Mayor Robert Pastrick with the Pillar of the Community Award on Saturday, February 22, 2003 for their outstanding service on behalf of the hospital and the surrounding community.

Donald Powers has demonstrated tremendous vision and leadership in his on-going relationship with Community Health Care System and its affiliates, Community Hospital, St. Catherine Hospital, and St. Mary Medical Center. As President of the Board, Mr. Powers oversaw the creation and construction of Community Hospital, and assisted the staff and administration in developing the first freestanding hospital in Lake County that is ranked in the top two percent of hospitals surveyed nationally for standard of care.

Mr. Power's planning and foresight with respect to the hospital's investment program led to the construction of the Center for Visual and Performing Arts in Munster, Indiana. This center has served as a cultural epicenter, as it is the home for the Northwest Indiana Symphony Society and the Northern Indiana Arts Association.

Mr. Powers has donated much of his time and expertise to his community. He has served on many boards, including the American Red Cross, Calumet Council of Boy Scouts, and the YMCA. Additionally, Mr. Powers was appointed to the Board of Trustees of Purdue University by former Governor Otis Bowen, and was elected President of the Board in 1981.

Mayor Robert Pastrick has been a fixture of the East Chicago community since his election to the City Council in 1955. He has served the citizens of East Chicago as their mayor since 1973. During that time, he has shown a commitment to ensuring effective health care for his constituents by initiating a joint venture between the City of East Chicago and St. Catherine Hospital. Through this program, East Chicago residents have an opportunity to obtain affordable, quality health care for themselves and their children.

Mayor Pastrick has also shown a commitment to his community through his volunteer work, serving on the Indiana Association of Cities and Towns, the United States Conference of Mayors, the Northwest Indiana Regional Planning Commission, and the Northwest Indiana Forum Foundation. Through his

service in these organizations, Mayor Pastrick has worked to improve the lives of the residents of East Chicago, as well as the lives of all Northwest Indiana residents.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in congratulating Mr. Donald S. Powers and Mayor Robert Pastrick as they receive the Pillar of the Community Award for their work on behalf of St. Catherine Hospital. Through their dedication and hard work, the citizens of Northwest Indiana have access to the best medical facilities and services possible. I am proud to represent them in Congress.

RECOGNIZING KIMBERLY MARLIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kimberly Marlin, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, and in earning the most prestigious honor of the Gold Award.

The Girl Scout Gold Award is the highest achievement attainable in girl scouting. To earn the Gold Award, a scout must complete five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. The requirements include: (1) earning four interest project patches, each of which requires seven activities that center on skill building, technology, service projects, and career exploration, (2) earning the career exploration pin, which involves researching careers, writing resumes, and planning a career fair or trip, (3) earning the Senior Girl Scout Leadership Award, which requires a minimum of 30 hours of work using leadership skills, (4) designing a self-development plan that requires assessment of ability to interact with others and prioritize values, participation for a minimum of 15 hours in a community service project, and development of a plan to promote girl scouting, and (5) spending a minimum of 50 hours planning and implementing a Girl Scout Gold Award Project that has a positive lasting impact on the community.

Fro her Gold Award Project, Kimberly organized a lending library at Colbern Road Baptist Church.

Mr. Speaker, I proudly ask you to join me in commending Kimberly Marlin for her accomplishments with the Girl Scouts of American and for her efforts put forth in achieving the highest distinction of the Gold Award.

FOR THE LOVE OF TEACHING—A TRIBUTE TO REMARKABLE DORIS DUNLAP DARDEN

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Doris Dunlap Darden, an educator who has devoted 50 years of service to the St. Louis Public School District. She has dedicated her life to enabling children to attain quality education and providing opportunities that help students realize their abilities and achieve their highest goals.

She began her commendable teaching career in 1953 and has worked diligently to level the educational playing field for at-risk youth in low-income neighborhoods throughout the city of St. Louis. Darden has encouraged hundreds of children by setting high expectations and implementing programs for students to gain leadership and communications skills necessary to succeed in life. She has been committed to reaching both the students and their parents with her educational outreach. Darden impressively took the initiative to create ''Home, School and Community,'' a program which introduced students to local and national newsmakers and celebrities. This innovative program allows famous guest speakers to encourage students to achieve academic excellence, while their parents attended informative workshops and seminars.

Darden solidly believes that all children deserve a high quality education regardless of their socioeconomic status. As a tutor, early in her career, she took note of the way wealthy parents trained their children and introduced those same learning techniques to inner city students. Darden found that her efforts helped raise both the productivity level and esteem of children who would otherwise might have been cast off by society.

In addition to her unwavering commitment to teaching, Darden has selflessly allotted time for community service. She had dedicated numerous hours to working with the Colored Women's Association, National Association of University Women, Tot's N' Teens, various city-wide committees and Leadership for Teachers.

Mr. Speaker, it is with great privilege that I recognize Doris Dunlap Darden to today before Congress. This extraordinary women strongly believes that every child has the capacity to learn and deserves a chance to express that capacity through life goals. In 50 years, Darden has influentially touched the lives of thousands of young people in classrooms and throughout the St. Louis community. She has a stellar record of demonstrating compassion in the classroom. I ask that my colleagues join me in honoring a treasured member of the St. Louis community, Doris Dunlap Darden.

HONORING MR. LARRY WALSTON

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. WHITFIELD. Mr. Speaker, I rise today to honor Mr. Larry Walston of Hopkinsville, KY, for his hard work and dedication on behalf of our Nation's veterans.

Mr. Walston has worked tirelessly to document the service of veterans who were interred without proper ceremony or marker. In conjunction with officials from the Commonwealth of Kentucky, he has obtained the military service records of nearly 300 civil war veterans buried in Riverside Cemetery in Hopkinsville. These soldiers were interred without stones. The documentation he helped collect was used to order individual markers from the Department of Veterans Affairs. With the assistance of member of the Sons of the Confederate Veterans and others, these markers were then placed in the cemetery.

Mr. Walston served our country as a member of the United States Navy and a veterans of the Vietnam War. He is a professor as Hopkinsville Community College and a member of the Sons of Confederate Veterans, Military Order of the Stars and Bars, Sons of Union Veterans of the Civil War, the Veterans of Foreign Wars and many other community service organizations. He is assisting in making application for military monuments to be certified under the Kentucky Military Heritage Act.

Mr. Speaker, I am proud to represent Larry Walston in my district. I extend my thanks to him for all efforts on behalf of so many deserving veterans, and I am proud to bring his accomplishments to the attention of this House.

TRIBUTE TO THE CP FEDERAL CREDIT UNION OF JACKSON, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. SMITH of Michigan. Mr. Speaker, I rise today to recognize Michigan's Federal Credit Unions for their efforts to improve financial services for their members. I would like to especially commend CP Federal Credit Union for their efforts to improve literacy among young people in Jackson, MI.

Today they will receive the 2002 National Desjardins Youth Financial Education Award for their good work. The award is named for the founder of the North American credit union movement, a man who promoted the idea of educating youth and providing them with in-school savings accounts.

For the last 10 years the CP Federal Credit Union, under the leadership of President and CEO John Crist, put Desjardins' words into action and worked with schools throughout Jackson County to help our youth understand how to spend, save, and budget money. Each week presenters travel to area schools to teach students from Kindergarten to High School about money. In addition to their informative and entertaining presentations they also connect schools with local business people who talk to the students about finances.

Their education did not stop there. The CP Federal Credit Union also operates 31 student-run credit unions. Students have an opportunity to volunteer and learn to post transactions and balance a cash drawer. Currently, 320 student volunteers participate in the program. In addition, the program employs five youth representatives who give presentations and meet with teachers and principals to discuss youth financial literacy. Thanks to their efforts 31 schools will include personal finance as part of their curriculums next year.

Finally, the CP Federal Credit Union offers the ''Great Expectations'' savings account for students. They encourage students to save for college, their first car, or their first house. Students are required to make a deposit of at least $10 per month into their savings account to be eligible for savings incentives such as cash bonuses or loan discounts. Rather than

just educate students about saving money, the CP Federal Credit Union takes it a step further and provides students the means to do so.

The impact of this program on the lives of young people in Jackson is immeasurable. More schools have committed to teaching personal finance in their classrooms than ever before; 674 presentations were given during the 2001–2002 school year and 15,000 students were reached. Due to the efforts of these good people and others around the state, Michigan rates No. 1 out of all the States where credit unions are working with youth. Michigan also tops the list in the number of presentations given nearly half of which were given by the CP Federal Credit Union.

I commend John Crist and all the employees of the CP Federal Credit Union for their commitment to youth and their efforts to prepare our students for the future. I hope that you will all join me in congratulating them for earning the 2002 National Desjardins Youth Financial Education Award.

TRIBUTE TO MR. AND MRS. HUTCHINS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. PAYNE. Mr. Speaker, I rise today to recognize Winnie Hollis Hutchins and John Lee Hutchins on the occasion of their 50th wedding anniversary.

Married on March 18, 1953 in Newark, New Jersey, Mr. and Mrs. Hutchins have made New Jersey their home. During their marriage they have striven to promote strong ideals of family, education, and community service to their five daughters, seven grandchildren, and four great-grandchildren.

Through both their church and independent community activism, Mr. and Mrs. Hutchins have devoted time to strengthening our community and to enriching the lives of all of those with whom they have come into contact. As they gather on March 14, 2003, to celebrate this wonderful occasion with family and friends, they set an example to those around them to the wonderful gifts that life has to offer.

Mr. Speaker, I am sure that my colleagues here in the U.S. House of Representatives join me today as I congratulate Mr. and Mrs. Hutchins on this joyous occasion and wish them health and happiness as they continue their journey together.

RECOGNIZING ELIZABETH RAINE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Elizabeth Raine, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, Troop 1444, and in earning the most prestigious honor of the Gold Award.

The Girl Scout Gold Award is the highest achievement attainable in Girl Scouting. To ear the Gold Award, a Scout must complete five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. The requirements include: (1) Earning four interest project patches, each of which requires seven activities that center on skill building, technology, service projects, and career exploration; (2) earning the Career Exploration Pin, which involves researching careers, writing resumes, and planning a career fair or trip; (3) earning the senior Girl Scout Leadership Award, which requires a minimum of 30 hours of work using leadership skills; (4) designing a self-development plan that requires assessment of ability to interact with others and prioritize values, participation for a minimum of 15 hours in a community service project, and development of a plan to promote girl scouting; and (5) spending a minimum of 50 hours planning and implementing a Girl Scout Gold Award project that has a positive lasting impact on the community.

For her Gold Award project, Elizabeth taught science classes to younger children.

Mr. Speaker, I proudly ask you to join me in commending Elizabeth Raine for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of the Gold Award.

TRIBUTE TO TOM HIGGINS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and enthusiasm that I wish to congratulate a distinguished member of the First Congressional District of Indiana. Mr. Tom Higgins has been a fixture of the Northwest Indiana community since his radio career began in 1955. The Communicators of Northwest Indiana will deservedly honor him on Thursday, February 20, 2003 as a salute to his dedicated service, and to congratulate him on his retirement. Proceeds from the event will benefit the Scholarship Fund of the Communicators of Northwest Indiana.

Mr. Speaker, Tom Higgins carried a passion for broadcasting throughout his educational career at Indiana University, where he earned a degree in Radio Journalism in 1955. During this tine in Bloomington, Tom worked at WFIU as a news and scriptwriter, on-air personality, and news director. He also found an outlet for his talents at WTTS, where he hosted a weekly program. It was at Indiana University where Tom began to pursue his interest in radio and television journalism, and he was able to hone and perfect his talents while at this prestigious university.

After graduating from Indiana University, Tom began his broadcasting career at WLOI radio station in LaPorte, Indiana. After a tour in the military, he returned to Northwest Indiana in 1957 and began working at WWCA in Gary. Tom not only blessed the citizens of Gary with his talents, but he also worked part time at WAKE in Valparaiso, Indiana, eventually calling football games for Valparaiso University. He later returned full time to WWCA, where he used his talents in various positions, including announcer, air personality, producer, and station manager, until July 1983. During his tenure at WWCA, Tom developed a four station network to expand an existing live radio show named ''Third Tuesday'', which aired with a live audience, orchestra, and notable guests, for two years.

Mr. Speaker, station managers in Northwest Indiana recognized the talent that Tom possessed for broadcasting in radio and, because of this strong background, provided him an opportunity to pursue a television career in 1967. He served as the play-by-play announcer for the regional telecast of the Indiana State High School Basketball Tourney for six years. During his work for the Senior Little League World Series, Tom was given the opportunity to broadcast games that were featured in Delaware, California, Aruba, and Taiwan, as well as locally. He also worked as the play-by-play announcer for the Indiana All-Star football game in 1982.

In search of a new challenge, Tom joined the staff at Indiana University Northwest in Gary as the Director of Community Relations and development in 1984. He was eventually named the Director of Alumni Relations, a position he successfully held for sixteen years. During that time, Tom was quickly asked to return to the broadcasting business. He worked part time at WWJY–FM in Crown Point, and later tackled the additional responsibility of co-anchor of a new television news hour at WYIN. Tom recalls an extensive period of time where he would work the morning shift at WWJY, direct the Alumni Affairs office during the workday, and co-host the Indiana Nightly Report each day. It is this work ethic and dedication on which the people of Northwest Indiana pride themselves, and it allowed Tom to achieve the success that he has enjoyed.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring and congratulating Mr. Tom Higgins for an outstanding career, not only in broadcast journalism, but in service to his community. Tom's leadership and passion for his career are to be commended, and his professional absence from the Northwest Indiana community will surely be missed.

HONORING THE CONTRIBUTIONS OF LUTHERAN SCHOOLS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. BEREUTER. Mr. Speaker, as a graduate of a Lutheran elementary school and an individual well-acquainted with the many first-rate Lutheran educational institutions in his congressional district, today this Member introduced a resolution congratulating Lutheran schools, students, parents, teachers, administrators, and congregations across the nation for their ongoing contributions to education.

This Member is proud of the Lutheran schools in the First Congressional District of Nebraska and those throughout the nation which deliver high-quality educational opportunities and challenge students to reach their full academic and spiritual potential.

Not only are Lutheran schools known for their academic quality, but for their ability to aid moral development. These institutions provide spiritual guidance to students, instilling fundamental values that are crucial to personal development. Through their education,

Lutheran school children gain an appreciation of the importance of family values, community service, and faith in their lives. This, in turn, has helped shape students of Lutheran schools into good leaders of tomorrow.

Mr. Speaker, in closing, I urge my colleagues to cosponsor and support this resolution, honoring the contributions of Lutheran schools in American education.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2621–S2722

Measures Introduced: Fifteen bills and four resolutions were introduced, as follows: S. 433–447, S. Res. 64–65, and S. Con. Res. 8–9. **Page S2701**

Measures Reported:

S. Res. 64, authorizing expenditures by the Senate Committee on Indian Affairs. **Page S2701**

Measures Discharged and Referred:

Committee Funding Resolution: Committee on the Judiciary was discharged from further consideration of S. Res. 65, authorizing expenditures by the Committee on the Judiciary, and the resolution was then referred to the Committee on Rules and Administration. **Page S2714**

Child Care: Committee on Finance was discharged from further consideration of S. 389, to increase the supply of quality child care, and the bill was then referred to the Committee on Health, Education, Labor, and Pensions. **Page S2714**

Nomination Considered: Senate continued consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit. **Pages S2621–76**

A unanimous-consent agreement was reached providing for further consideration of the nomination at 9:30 a.m., on Wednesday, February 26, 2003. **Page S2715**

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

Second Additional Protocol Modifying Convention with Mexico Regarding Double Taxation and Prevention of Fiscal Evasion (Treaty Doc. No. 108–3).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Pages S2714–15**

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

Received on Thursday, February 20, 2003 during the adjournment of the Senate:

Report to accompany The Moscow Treaty With Russia (Treaty Doc. 107–8). (Ex. Rept. 108–1) **Pages S2699–S2700**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report required by the International Emergency Economic Powers Act on the Emergency Regarding Proliferation of Weapons of Mass Destruction; to the Committee on Banking, Housing, and Urban Affairs. (PM–17) **Page S2698**

Nominations Received: Senate received the following nominations:

Anne Rader, of Virginia, to be a Member of the National Council on Disability for a term expiring September 17, 2004.

Diane L. Kroupa, of Minnesota, to be a Judge of the United States Tax Court for a term of fifteen years.

Mark Van Dyke Holmes, of New York, to be a Judge of the United States Tax Court for a term of fifteen years.

Gregory W. Engle, of Colorado, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Togolese Republic.

Eric S. Edelman, of Virginia, to be Ambassador to the Republic of Turkey.

Routine lists in the Air Force, Army, Coast Guard, Foreign Service, Marine Corps, Navy. **Pages S2715–22**

Messages From the House: **Page S2698**

Measures Referred: **Page S2698**

Executive Communications: **Pages S2698–99**

Executive Reports of Committees: **Pages S2699–S2701**

Additional Cosponsors: **Pages S2701–03**

Statements on Introduced Bills/Resolutions: **Pages S2703–14**

Additional Statements: **Pages S2696–98**

Notices of Hearings/Meetings: **Page S2714**

Authority for Committees to Meet: Page S2714

Privilege of the Floor: Page S2714

Adjournment: Senate met at 9:30 a.m., and adjourned at 6:57 p.m., until 9:30 a.m., on Wednesday, February 26, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2715.)

Committee Meetings

(Committees not listed did not meet)

2004 BUDGET: DEFENSE

Committee on Armed Services: Committee resumed open and closed hearings to examine proposed legislation authorizing funds for the Department of Defense and the Future Years Defense Program, after receiving testimony General Eric K. Shinseki, USA, Chief of Staff, U.S. Army; Admiral Vernon E. Clark, USN, Chief of Naval Operations, U.S. Navy; General Michael W. Hagee, USMC, Commandant of the Marine Corps; and General John P. Jumper, USAF, Chief of Staff, U.S. Air Force.

Committee recessed subject to the call.

SUBCOMMITTEE ASSIGNMENTS

Committee on Armed Services: On Wednesday, February 5, Committee announced the following subcommittee assignments:

Subcommittee on Airland: Senators Sessions (Chairman), McCain, Inhofe, Roberts, Talent, Chambliss, Dole, Lieberman, Akaka, Dayton, Bayh, Clinton, and Pryor.

Subcommittee on Emerging Threats and Capabilities: Senators Roberts (Chairman), Allard, Collins, Ensign, Talent, Chambliss, Graham (SC), Dole, Cornyn, Reed, Kennedy, Byrd, Lieberman, Akaka, Nelson (FL), Bayh, and Clinton.

Subcommittee on Personnel: Senators Chambliss (Chairman), Collins, Dole, Cornyn, Nelson (NE), Kennedy, and Pryor.

Subcommittee on Readiness and Management Support: Senators Ensign (Chairman), McCain, Inhofe, Roberts, Allard, Sessions, Talent, Chambliss, Cornyn, Akaka, Byrd, Nelson (FL), Nelson (NE), Dayton, Bayh, Clinton, and Pryor.

Subcommittee on Seapower: Senators Talent (Chairman), McCain, Collins, Graham (SC), Kennedy, Lieberman, and Reed.

Subcommittee on Strategic Forces: Senators Allard (Chairman), Inhofe, Sessions, Ensign, Graham (SC), Cornyn, Nelson (FL), Byrd, Reed, Nelson (NE), and Dayton.

AIRPORT IMPROVEMENT PROGRAMS

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation held hearings to examine proposed legislation authorizing funds for the Federal Aviation Administration, focusing on the financing of airport improvement and expansion, including the Airport Improvement Program, as well as passenger facilities charges (PFCs) and airport bonds, receiving testimony from Gerald L. Dillingham, Director, Civil Aviation Issues, General Accounting Office; Woodie Woodward, Associate Administrator for Airports, Federal Aviation Administration, Department of Transportation; and David Z. Plavin, Washington, D.C., on behalf of Airports Council International—North America, and the American Association of Airport Executives.

Hearings recessed subject to the call.

2004 BUDGET: ENERGY

Committee on Energy and Natural Resources: Committee concluded hearings to examine the President's proposed budget request for fiscal year 2004 for the Department of Energy, after receiving testimony from Spencer Abraham, Secretary of Energy.

ENERGY SUPPLY AND PRICES

Committee on Energy and Natural Resources: Committee concluded hearings to examine the outlook for natural gas supply and prices in the United States, focusing on conservation and consumption, after receiving testimony from Guy F. Caruso, Administrator, Energy Information Administration, Department of Energy; Robert W. Best, Atmos Energy, Dallas, Texas, on behalf of the American Gas Association; Keith O. Rattie, Questar Corporation, Salt Lake City, Utah; and David H. Welch, British Petroleum's Alaska-Canada Pipelines, Calgary, Alberta, Canada.

WORLD HUNGER REPORT

Committee on Foreign Relations: Committee on concluded hearings to examine the state of the World Report on Hunger from Africa to North Korea focusing on the status of worldwide food security, the role of U.S. food aid programs, global hunger, and humanitarian assistance, after receiving testimony from Andrew S. Natsios, Administrator, U.S. Agency for International Development; Ken Hackett, Catholic Relief Services, Baltimore, Maryland; Ellen S. Levinson, Cadwalader, Wickersham, and Taft, and Joachim Von Braun, International Food Policy Research Institute, both of Washington, D.C.; and James T. Morris, United Nations World Food Program, Rome, Italy.

NATIVE HAWAIIAN FEDERAL RECOGNITION

Committee on Indian Affairs: Committee held hearings on S. 344, expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, receiving testimony from Representative Case; American Samoa Delegate Eni Faleomavaega, Vailoatai; and Hawaii Governor Linda Lingle, Micah A. Kane, Department of Hawaiian Home Lands, and Haunani Apoliona, Office of Hawaiian Affairs, all of Honolulu.

Hearings recessed subject to the call.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Thursday, February 27.

House of Representatives

Chamber Action

Measures Introduced: 50 public bills, H.R. 868–917; and 13 resolutions, H.J. Res. 24–25; H. Con. Res. 52–55, and H. Res. 87–103 were introduced. **Pages H1331–34**

Additional Cosponsors: **Pages H1334–35**

Reports Filed: Reports were filed today as follows:

H.R. 13, to reauthorize the Museum and Library Services Act (H. Rept. 108–16);

H.R. 254, to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank (H. Rept. 108–17);

H.R. 534, to amend title 18, United States Code, to prohibit human cloning (H. Rept. 108–18); and

H.R. 657, to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission (H. Rept. 108–19). **Page H1331**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Capito to act as Speaker pro tempore for today. **Page H1277**

Meeting Hours—Wednesday, February 26 and Thursday, February 27: Agreed that when the House adjourns today, it adjourn to meet at 1 p.m. on Wednesday February 26. Agreed that when the House adjourns on Wednesday, it adjourn to meet at 1 p.m. on Thursday, February 27. **Page H1278**

Committee Election—Majority Members: The House agreed to H. Res. 98, electing Representative King of Iowa to the Committee on Small Business and Representative Murphy to the Committee on Veterans' Affairs. **Page H1282**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Official Photographs of the House on March 12, 2003: H. Res. 67, permitting official photographs of the House of Representatives to be taken while the House is in actual session on March 12, 2003; **Page H1280**

Days of Remembrance of Victims of the Holocaust: H. Con. Res. 40, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust (agreed to by yea-and-nay vote of 408 yeas with none voting ''nay'', Roll No. 34); and **Pages H1280–82, H1283–84**

Honoring the Life of Al Hirschfeld and His Legacy: H. Res. 46, honoring the life of Al Hirschfeld and his legacy (agreed to by yea-and-nay vote of 403 yeas with none voting ''nay'', Roll No. 33). **Pages H1278–80, H1282–83**

Presidential Message—National Emergency re Proliferation of Weapons of Mass Destruction: Read a message from the President wherein he transmitted a six month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction—referred to the Committee on International Relations and ordered printed (H. Doc. 108–41). **Page H1282**

Congressional Recognition for Excellence in Arts Education Awards Board: The Chair announced the Speaker's appointment of Representatives McKeon and Biggert to the Congressional Recognition for Excellence in Arts Education Awards Board. **Page H1304**

Board of Trustees of Gallaudet University: The Chair announced the Speaker's appointment of Representative LaHood to the Board of Trustees of Gallaudet University. **Pages H1304–05**

Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: The Chair announced the Speaker's appointment of Representative Young of Alaska to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development. **Page H1305**

Board of Trustees of the John F. Kennedy Center for the Performing Arts: The Chair announced the Speaker's appointment of Representatives Kolbe and Pryce of Ohio to the Board of Trustees of the John F. Kennedy Center for the Performing Arts. **Page H1305**

House of Representatives Page Board: The Chair announced the Speaker's appointment of Representatives Shimkus and Wilson of New Mexico to the House of Representatives Page Board. **Page H1305**

Board of Regents of the Smithsonian Institution: The Chair announced the Speaker's appointment of Representatives Regula and Sam Johnson of Texas to the Board of Regents of the Smithsonian Institution. **Page H1305**

Board of Visitors to the United States Air Force Academy: The Chair announced the Speaker's appointment of Representatives Young of Florida and Hefley to the Board of Visitors to the United States Air Force Academy. **Page H1305**

Board of Visitors to the United States Coast Guard Academy: The Chair announced the Speaker's appointment of Representative Simmons to the Board of Visitors to the United States Coast Guard Academy. **Page H1305**

Board of Visitors to the United States Merchant Marine Academy: The Chair announced the Speaker's appointment of Representative King of New York to the Board of Visitors to the United States Merchant Marine Academy. **Page H1305**

Board of Visitors to the United States Military Academy: The Chair announced the Speaker's appointment of Representatives Taylor of North Carolina and Kelly to the Board of Visitors to the United States Military Academy. **Page H1305**

Board of Visitors to the United States Naval Academy: The Chair announced the Speaker's appointment of Representatives Cunningham and Gilchrest to the Board of Visitors to the United States Naval Academy. **Page H1305**

Congressional-Executive Commission on the People's Republic of China: The Chair announced the Speaker's appointment of Representatives Leach, Chairman, and Representatives Bereuter, Dreier, Wolf, and Pitts, Members, to the Congressional-Executive Commission on the People's Republic of China. **Page H1305**

Benjamin Franklin Tercentenary Commission: The Chair announced the Speaker's appointment of Representative Castle to the Benjamin Franklin Tercentenary Commission. **Page H1305**

National Historical Publications and Records Commission: The Chair announced the Speaker's appointment of Representative Cole to the National Historical Publications and Records Commission. **Page H1305**

Abraham Lincoln Bicentennial Commission: The Chair announced the Speaker's appointment of Representative LaHood to the Abraham Lincoln Bicentennial Commission. **Page H1305**

Joint Economic Committee: The Chair announced the Speaker's appointment of Representatives Ryan of Wisconsin, Dunn, English, Putnam, and Paul to the Joint Economic Committee. **Page H1305**

National Council on the Arts: The Chair announced the Speaker's appointment of Representatives Ballenger and McKeon to the National Council on the Arts. **Pages H1305–06**

Holocaust Memorial Council: The Chair announced the Speaker's appointment of Representatives LaTourette, Cannon, and Cantor to the United States Holocaust Memorial Council. **Page H1306**

President's Export Council: The Chair announced the Speaker's appointment of Representatives English, Pickering, and Hayes to the President's Export Council. **Page H1306**

Recess: The House recessed at 2:10 p.m. and reconvened at 4:15 p.m. **Page H1278**

Recess: The House recessed at 4:43 p.m. and reconvened at 6:30 p.m. **Page H1282**

Senate Message: Message received today from the Senate appears on page H1277.

Referral: S. 151 was referred to the Committee on the Judiciary. S. Con. Res. 4 was referred to the Committee on International Relations. **Page H1328**

Quorum Calls—Votes: Two yea-and-nay developed during the proceedings of the House today and appear on pages H1283 and H1283–84. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 11:22 p.m.

Committee Meetings

HOME BUYING PROCESS SIMPLIFICATION—HUD'S PROPOSAL TO REFORM RESPA

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled ''Simplifying the Home Buying Process: HUD's Proposal to Reform RESPA.'' Testimony was heard from public witnesses.

OVERSIGHT—12TH REGULAR MEETING—CONFERENCE OF PARTIES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on the Twelfth Regular Meeting of the Conference of the Parties (COP12) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Testimony was heard from Craig Manson, Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior; and Rebecca Lent, Deputy Assistant Administrator, Fisheries, NOAA, Department of Commerce.

SMALL BUSINESS COMMUNITY—BURDEN OF REGULATIONS

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing on the Burden of Regulations on the small business community. Testimony was heard from Thomas Sullivan, Chief Counsel for Advocacy, SBA; and public witnesses.

EMERGENCY PREPAREDNESS—INDIAN POINT ENERGY CENTER

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on Emergency Preparedness at the Indian Point Energy Center located in Buchanan, New York. Testimony was heard from Representatives Engel and Lowey; Joe Picciano, Acting Regional Director, Region 2, FEMA, Department of Homeland Security; Hubert Miller, Regional Administrator, Region 1, NRC; and the following officials of the State of New York: Ed Jacoby, Director, Emergency Management Office; Scott Vanderhoef, County Executive, Rockland County; Andrew Spano, County Executive, Westchester County; and Ed Diana, County Executive, Orange County.

MEDICARE—ELIMINATING BARRIERS TO CHRONIC CARE MANAGEMENT

Committee on Ways and Means: Subcommittee on Health held a hearing on Eliminating Barriers to Chronic Care Management in Medicare. Testimony was heard from Stuart Guterman, Director, Office of Research, Development and Information, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

Joint Meetings

DISABLED AMERICAN VETERANS

Joint Hearing: Senate Committee on Veterans' Affairs concluded joint hearings with the House Committee on Veterans' Affairs to examine certain legislative recommendations and concerns of wartime service-connected disabled veterans, after receiving testimony from Edward R. Heath, Sr., Disabled American Veterans, Cold Spring, Kentucky.

COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 26, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold a closed briefing to examine planning for post-conflict Iraq and potential U.S. military operations in the Philippines, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings to examine the Federal Deposit Insurance System, 9:30 a.m., SD–538.

Committee on the Budget: to hold hearings to examine the President's Fiscal Year 2004 Budget proposal for Medicare and Medicaid, 3 p.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold hearings to examine issues involving Sport Utility Vehicle (SUV) safety, including data relating to vehicle rollovers, crash compatibility, and seatbelt use, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 10 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the proposed Fiscal Year 2004 Environmental Protection Agency budget, 9:30 a.m., SD–406.

Committee on Finance: business meeting to mark up the Miscellaneous Trade and Technical Correction Act of 2003, 10 a.m., SD–215.

Committee on Foreign Relations: committee will meet to receive a perspective on the revitalization and reconstruction of post conflict Afghanistan, 10:30 a.m., SD–419.

Committee on Governmental Affairs: to continue hearings to examine consolidating intelligence analysis, focusing on a review of the President's proposal to create a Terrorist Threat Integration Center, 10 a.m., SD–342.

Committee on Indian Affairs: business meeting to consider the nomination of Ross Owen Swimmer, of Oklahoma, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior, S.162, to provide for the use of distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and S. 222, to approve the settlement of the water rights

claims of the Zuni Indian Tribe in Apache County, Arizona; to be followed by hearings to examine the Presidents proposed budget for Fiscal Year 2004 for Indian Affairs, 10 a.m., SR–485.

Committee on Rules and Administration: business meeting to consider an original resolution authorizing certain expenditures for committee operations, 9:15 a.m., SR–301.

Committee on Veterans' Affairs: to hold hearings to examine the Administration's proposed Fiscal Year 2004 Department of Veterans Affairs Budget, 4 p.m., SR–418.

House

Committee on Agriculture, to consider the following: Committee Budget Views and Estimates for Fiscal Year 2004 for submission to the Committee on the Budget; and further organizational matters, 1 p.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Office of Inspector General, 9:30 a.m., 2362A Rayburn.

Subcommittee on Interior, on Secretary of the Interior, 10 a.m., B–308 Rayburn.

Subcommittee on Military Construction, on Army Construction, 10 a.m., and on Navy Construction, 2 p.m., B–300 Rayburn.

Subcommittee on VA, HUD, and Independent Agencies, on American Battle Monuments Commission, 10 a.m., and on Selective Service System, 11 a.m., H–143 Capitol.

Committee on Armed Services, to continue hearings on the fiscal year 2004 National Defense Authorization budget request, 10 a.m., and to hold a hearing on U.S. forward-deployed strategy in the European Theater, 2 p.m., 2118 Rayburn.

Committee on the Budget, hearing on the Department of Health and Human Services Budget Priorities Fiscal Year 2004, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, to mark up H.R. 444, Back to Work Incentive Act of 2003, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled ''Procurement and Property Mismanagement and Theft at Los Alamos National Laboratory,'' 1 p.m., 2322 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled ''Health of the Telecommunications Sector: A Perspective from the Commissioners of the Federal Communications Commission,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''It's Only FAIR: Returning Money to Defrauded Investors,'' 10 a.m., 2128 Rayburn.

Committee on International Relations, hearing on Russia's Policies Toward the Axis of Evil: Money and Geopolitics in Iraq and Iran, 10:15 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on ''Peer-to-Peer Piracy On University Campuses,'' 10 a.m., 2141 Rayburn.

Committee on Rules, to consider H.R. 534, Human Cloning Prohibition Act of 2003, 2:30 p.m., H–313 Capitol.

Committee on Small Business, to meet for organizational purposes, 1:30 p.m., followed by a hearing on the Small Business Administration's Budget for Fiscal Year 2004, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: Committee Budget Views and Estimates for Fiscal Year 2004 for submission to the Committee on the Budget; H.R. 866, Wastewater Treatment Works Security Act of 2003; the Over-the-Road Bus Security and Safety Act of 2003; the Rail Passenger Disaster Family Assistance Act of 2003; and other pending business, 11 a.m., 2167 Rayburn.

Subcommittee on Aviation and the Subcommittee on Railroads, joint hearing on Planes, Trains, and Intermodalism: Improving the Link Between Air and Rail, 2 p.m., 2167 Rayburn.

Committee on Ways and Means, hearing on the Administration's Trade Agenda, 10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism and Homeland Security, executive, hearing on Terrorist Threat Integration Center, 2 p.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the Economic Report of the President, 2:30 p.m., SD–628.

Next Meeting of the SENATE

9:30 a.m, Wednesday, February 26

Senate Chamber

Program for Wednesday: Senate will continue consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Next Meeting of the HOUSE OF REPRESENTATIVES

1 p.m., Wednesday, February 26

House Chamber

Program for Wednesday: Consideration of Suspensions:

(1) H. Con. Res. 36, Celebrating the 140th anniversary of the Emancipation Proclamation and commending Abraham Lincoln's efforts to end slavery;

(2) H.R. 254, North American Development Bank Reauthorization;

(3) H.R. 657, Augmenting the emergency authority of the Securities and Exchange Commission;

(4) H.R. 258, American 5-Cent Coin Design Continuity Act; and

(5) H. R. 672, Renaming the Guam South Elementary/Middle School in honor of Navy Commander William ''Willie'' McCool, pilot of the Space Shuttle *Columbia* when it was lost on February 1, 2003.

Extensions of Remarks, as inserted in this issue

HOUSE

Bereuter, Doug, Nebr., E284
Berry, Marion, Ark., E275
Camp, Dave, Mich., E280
Castle, Michael N., Del., E280
Clay, Wm. Lacy, Mo., E283
Davis, Tom, Va., E275, E276, E276, E277, E279, E280
Emanuel, Rahm, Ill., E278
Graves, Sam, Mo., E275, E276, E282, E283, E284
Hastings, Alcee L., Fla., E277
Hinojosa, Rubén, Tex., E277
Hoyer, Steny H., Md., E282
Kennedy, Patrick J., R.I., E276
Kingston, Jack, Ga., E275
Leach, James A., Iowa, E281
McCarthy, Carolyn, N.Y., E277
McHugh, John M., N.Y., E279
Markey, Edward J., Mass., E278
Pallone, Frank, Jr., N.J., E281
Payne, Donald M., N.J., E284
Peterson, John E., Pa., E276
Radanovich, George, Calif., E279
Rogers, Mike, Ala., E281
Smith, Nick, Mich., E283
Thompson, Bennie G., Miss., E277
Visclosky, Peter J., Ind., E282, E284
Whitfield, Ed, Ky., E282, E283

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $217.00 for six months, $434.00 per year, or purchased for $6.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (866) 512–1800 (toll free), (202) 512–1800 (D.C. Area), or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.