

Romania, and other countries of Eastern Europe in the 1990s. When we debated their admission to NATO, for example, some said that their admission would destabilize the region. They were flat wrong. What could have dangerously destabilized Eastern Europe was continuing uncertainty about whether these countries would join the West or whether they might remain in the Russian sphere of influence. We resolved that uncertainty and further stabilized Eastern Europe by welcoming them to the West.

Likewise, with Bosnia, it's long past time to send a strong, unambiguous signal that Bosnia does not have to remain a country forever preserved in the amber of the Dayton Accords. With this resolution, we invite the Bosnians to reform their constitution, become a one-person, one-vote democracy, and join the Euro-Atlantic community.

Mr. Speaker, our country has played a constructive role in Bosnia through both Democrat and Republican administrations, and I know the Bosnians appreciate that very much. The great majority of them will welcome strengthening our engagement to complete the American legacy of spreading democracy and security in Bosnia.

This is a good resolution, and I urge its passage by all Members of the House.

Mr. HASTINGS of Florida. Mr. Speaker, I want to state my strong support for House Resolution 171, expressing our support for constitutional reform in Bosnia-Herzegovina, as well as for U.S. engagement in the Western Balkans region. I want to thank our colleague from California and the Chairman of the House Foreign Affairs Committee, Mr. BERMAN, for introducing this resolution, inviting me to be an original co-sponsor, and working the text through the committee.

This resolution is timely and important. The international community, under U.S. leadership, has invested heavily in Bosnia-Herzegovina. We did so not just for that country's sake, nor just to end the tremendous suffering faced by its people. We did so because the threat it faced in the mid-1990s constituted war crimes, crimes against humanity and genocide. To have acquiesced to the realities presented on the ground in 1995 would have been to abandon the very principles on which the world is expected to operate. We had the ability to stop that from happening in the Balkans and to make a difference, so we did, through NATO intervention and the negotiation of the Dayton Agreement.

Bosnia's considerable recovery a decade after the conflict has been stalled in recent years, as the additional reforms necessary for Bosnia's European integration are perceived to be a threat to the outdated notions of ethnic exclusivity which were resurrected during the war. It is also a threat to some who currently rely on these notions as the basis for their power and authority.

I believe this resolution makes clear that all the people of Bosnia-Herzegovina—Bosniaks, Serbs, Croats and others—must find a common agreement on how to move forward, but it opposes efforts to block a broad consensus

in order to maintain the status quo. The reforms supported by this resolution are critical to making Bosnia a functional, modern, European state.

This resolution also calls for greater U.S. engagement in Bosnia and throughout the Balkans. European integration is the goal for Bosnia and all the countries of the region. It is not enough, however, to say "here's your goal now find your own way to it." The European Union has done tremendous work in the Balkans, but its own lack of decisiveness leads to mixed signals in the region and undercuts more vigorous efforts to resolve outstanding issues. The United States has a high degree of credibility in the Balkans that can help influence developments in the region but we also must make sure the EU itself stays on course.

This does not mean going back to the days of a heavy U.S. troop presence in the Balkans and significant aid to the countries of the region. The resolution does not call for going back to the 1990s. Instead, the resolution reflects what seems to be an obvious piece of wisdom—namely that a bit more attention now can actually preclude a situation where greater involvement might become a necessity later. This will allow the United States to maintain its strong focus on other regions of the world, as it should, while Europe and its full integration moves forward.

I think the Vice President's current plans to visit Sarajevo, Pristina and Belgrade reflect this wisdom, and I wish his trip to be a successful one that will lead to additional efforts in the future.

As the Co-Chairman of the U.S. Helsinki Commission, I have continued to follow the situation in the Western Balkans closely. In early April, the Commission held a hearing on the challenges to the United States and Europe in the region. I would commend to my colleagues the transcript of that hearing, which can be found on the Commission's website, because it makes clear the challenges we face in the Balkans today. While there is little chance of going back to the days of horrific conflict in the Balkans that we saw in the 1990s, there continues to be a need for the peoples of the region to find a way to put the 1990s behind them. That's easier said than done, and we cannot expect people to erase what was obviously such a traumatic period in their lives just because we tell them to do so. With U.S. and European support, however, we can give them the confidence and hope that will enable them to move forward. That benefits everyone. For this reason, I support this resolution.

Mr. POMEROY. Mr. Speaker, I rise today in support of this resolution.

Over 13 years ago, the U.S. brought an end to Bosnia's war through the Dayton Peace Agreement. This conflict lasted over three years, and was marked by brutal ethnic cleansing and genocide. As a result of this tragic conflict, at least 97,000 people perished, and over 2.3 million people were driven from their homes, creating the greatest flow of refugees in Europe since World War II.

Since this time, the people of Bosnia and Herzegovina have painstakingly worked with the international community to make progress towards building a peaceful, democratic, and multi-ethnic society based on the rule of law and respect for human rights.

I congratulate Bosnia for joining the Partnership for Peace program of the North Atlantic

Treaty Organization (NATO) in December 2006 and for taking the first step on the road toward European Union (EU) membership by signing a Stabilization and Association Agreement (SAA) in June 2008.

However, despite these important steps forward, challenges remain. The Dayton agreement did its job by ending the war, but left a governmental structure in place that is bloated with bureaucracy and multiple layers of government. To be a functioning state, Bosnia needs to build functional institutions, including state-level institutions that are capable of self-sustaining reforms and fulfilling European Union (EU) and North Atlantic Treaty Organization (NATO) requirements.

The success of Bosnia is essential to the stability of the region, and the United States cannot afford to ignore this strategically important country. This work must be done in concert with the international community, who should continue to play a role in Bosnia. To this end, the international body charged with implementing the Dayton Peace agreements, known as the Peace Implementation Council or the "PIC", should ensure that the Office of the High Representative (OHR) remains open until the objectives and the conditions set forth by the PIC are met.

As in 1995, resolve and U.S. and European Union involvement are needed in Bosnia and Herzegovina if we are to ensure that we do not get involved in another crisis in the Balkans. I urge my colleagues to support this important resolution.

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

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

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 171, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

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#### 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. today.

Accordingly (at 5 o'clock and 5 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

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□ 1830

#### AFTER RECESS

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

**AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JUDICIARY TO INQUIRE WHETHER THE HOUSE SHOULD IMPEACH SAMUEL B. KENT, A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS**

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that the Committee on Rules be discharged from further consideration of H. Res. 424 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

**H. RES. 424**

*Resolved*, That the Committee on the Judiciary shall inquire whether the House should impeach Samuel B. Kent, a judge of the United States District Court for the Southern District of Texas.

**SEC. 2.** The Committee on the Judiciary or any subcommittee or task force designated by the Committee may, in connection with the inquiry under this resolution, take affidavits and depositions by a member, counsel, or consultant of the Committee, pursuant to notice or subpoena.

**SEC. 3. (a)** For the purpose of the inquiry under this resolution, the Committee on the Judiciary is authorized to require by subpoena or otherwise—

(1) the attendance and testimony of any person (including at a taking of a deposition by counsel or consultant of the Committee); and

(2) the production of such things; as it deems necessary to such inquiry.

(b) The Chairman of the Committee on the Judiciary, after consultation with the Ranking Member, may exercise the authority of the Committee under subsection (a).

(c) The Committee on the Judiciary may adopt a rule regulating the taking of depositions by a member, counsel, or consultant of the Committee, including pursuant to subpoena.

Mr. DREIER. Madam Speaker, as you know this resolution authorizes the Committee on the Judiciary to undertake an investigation to determine whether Samuel Kent should be impeached. I know that we are all appalled by the behavior that led to Judge Kent's guilty plea, and can agree that moving forward with an eye to removing him from the bench is the right thing to do.

While we have no objection to most of the resolution, I note that section 3(c) authorizes staff deposition authority, something we have been consistently concerned about due to the potential for abuse. My understanding is that the Judiciary Committee intends tomorrow to adopt a resolution putting in place the same safeguards on staff deposition authority that they currently have in place for their investigation into Judge Porteous. Those rules follow the model rules suggested by the Rules Committee and contain adequate protections for the Minority.

I am inserting the text of the relevant resolutions for the RECORD.

Our agreement to this unanimous consent request is dependent on the commitment from the Judiciary Committee that they will extend

their existing rules on staff deposition authority to this investigation before engaging in staff depositions. Without similar assurances in the future, we will oppose efforts to grant unelected staff unfettered deposition authority.

**RESOLUTION**

*Resolved*,

**SECTION 1. ESTABLISHMENT OF TASK FORCE.**

There is hereby established in the House Committee on the Judiciary (hereinafter referred to as the "Committee") a task force (hereinafter referred to as the "Task Force") to conduct an inquiry into whether United States District Judge G. Thomas Porteous should be impeached.

**SEC. 2. FUNCTIONS.**

The Task Force shall conduct such hearings and investigations relating to the inquiry described in section 1 as the Chairman of the Committee, in consultation with the Ranking Minority Member of the Committee, determines to be warranted.

**SEC. 3. MEMBERSHIP.**

The members of the Task Force shall be chosen from among the members of the Committee as follows:

(1) 7 members shall be chosen by the Chairman of the Committee.

(2) 5 members shall be chosen by the Ranking Minority Member of the Committee.

**SEC. 4. CHAIRMAN; RANKING MINORITY MEMBER.**

The Chairman of the Committee shall designate one member of the Task Force to be the Chair of the Task Force. The Ranking Minority Member of the Committee shall designate one member of the Task Force to be the Ranking Minority Member of the Task Force.

**SEC. 5. AUTHORITY AND PROCEDURES.**

(a) **IN GENERAL.**—Except as otherwise provided in this resolution, the Rules of the House of Representatives applicable to standing committees and the rules of the Committee shall govern the Task Force.

(b) **DEPOSITION AUTHORITY.**—

(1) **CHAIRMAN MAY ORDER.**—The Chairman of the Committee, upon consultation with the Ranking Minority Member of the Committee, may order the taking of depositions, under oath and pursuant to notice or subpoena. Consultation with the Ranking Minority Member shall include three business days written notice before any deposition is taken. All members of the Task Force shall also receive three business days written notice that a deposition has been scheduled.

(2) **MODE FOR TAKING.**—Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member of the Task Force or a person otherwise authorized to administer oaths. The individual administering the oath, if other than a member, shall certify that the witness was duly sworn. Witnesses may be accompanied at a deposition by counsel to advise them of their rights. No one may be present at depositions except members of the Task Force, Committee staff or consultants designated by the Chairman or Ranking Minority Member of the Committee, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons may not attend.

(3) **CONDUCT OF DEPOSITION.**—A deposition shall be conducted by a member of the Task Force or by Committee staff or consultants designated by the Chairman or Ranking Minority Member of the Committee. Questions in the deposition shall be propounded in rounds, unless the Chairman and Ranking Minority Member of the Committee otherwise agree. A single round shall not exceed 60 minutes per side, unless the persons conducting the deposition agree to a different

length of questioning. When depositions are conducted by staff or consultants, there shall be no more than two persons permitted to question a witness per round, one to be designated by the Chairman of the Committee and the other by the Ranking Minority Member of the Committee. Other Committee staff or consultants designated by the Chairman or Ranking Minority Member of the Committee may attend, but may not pose questions to the witness during that round. In each round, the person designated by the Chairman of the Committee shall ask questions first, and the person designated by the Ranking Minority Member shall ask questions second.

(4) **OBJECTIONS.**—The Chairman of the Committee may rule on any objections raised during a deposition, either during the deposition or after the deposition has been concluded. If a member of the Task Force appeals in writing the ruling of the Chairman, the appeal shall be preserved for Committee consideration. A witness that refuses to answer a question after being directed to answer by the Chairman may be subject to sanction, except that no sanctions may be imposed if the ruling of the Chairman is reversed on appeal.

(5) **TRANSCRIPTION OF TESTIMONY.**—Committee staff and designated consultants shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days thereafter, the witness may submit suggested changes to the Chairman of the Committee. Committee staff or designated consultants may make any typographical and technical changes requested by the witness. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the Committee in Washington, DC. The Chairman and the Ranking Minority Member of the Committee shall be provided with a copy of the transcripts of the deposition at the same time. The Chairman and Ranking Minority Member shall consult regarding the release of depositions. If either objects in writing to a proposed release of a deposition or a portion thereof, the matter shall be promptly referred to the Committee for resolution.

(6) **DEEMED PLACE OF TAKING.**—Depositions shall be considered to have been taken in Washington, DC, as well as the location in which actually taken, once filed there with the clerk of the Committee for the Committee's use.

(7) **REQUIREMENT TO PROVIDE COPY OF RESOLUTION TO WITNESS.**—A witness shall not be required to testify unless the witness has been provided with a copy of this resolution and the resolution of the House of Representatives authorizing and directing the Committee to make the inquiry described in section 1.

**SEC. 6. EXPIRATION.**

The Task Force shall expire at the end of the 111th Congress.

**SEC. 7. EFFECTIVE DATE.**

This resolution shall take effect on January 22, 2009.