



United States  
of America

# Congressional Record

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

Vol. 149

WASHINGTON, MONDAY, JANUARY 27, 2003

No. 14

## Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, January 28, 2003, at 10:30 a.m.

## House of Representatives

MONDAY, JANUARY 27, 2003

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

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
January 27, 2003.

I hereby appoint the Honorable JOHN ABNEY CULBERSON 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:

Lord, our God, this week beckons us as would an opening of a great door, on the unfolding of the 108th Congress of the United States.

Let there be light. As we enter, may there be a new creation.

Lord, You know our capabilities as a Nation. You know our limitations better than we know ourselves. You see clearly the needs of our day and the steps that must be taken.

But do not blind us by Your own wonderful light, for we are already overwhelmed by problems, complaints, and threats of violence.

For the Members of this House, be a gentle light. Lead them forth day by day along the path of consistency and integrity. Then will the knots of contradiction be unraveled and together

Your people will walk with clarity of vision, determination of purpose and a new depth of human understanding.

Lord, be our light and our salvation, today and for endless years to come. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

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

Mr. GIBBONS 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 bills of the following titles in which the concurrence of the House is requested:

S. 121. An act to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

S. 141. An act to improve the calculation of the Federal subsidy rate with respect to certain small business loans, and for other purposes.

The message also announced that pursuant to provisions of Public Law 107-306, the Chair, on behalf of the Democratic Leader, after consultation with the Vice Chairman of the Select Committee on Intelligence, announces the appointment of the following individuals to serve as members of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community:

The Senator from Florida (Mr. GRAHAM).

Dr. Paul G. Kaminski of Virginia.

The message also announced that pursuant to provisions of Public Law 107-306, the Chair, on behalf of the Majority Leader, after consultation with the Chairman of the Select Committee on Intelligence, announces the appointment of the Senator from Arizona (Mr. KYL) to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

### 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:

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

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



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OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 9, 2003.

Hon. J. DENNIS HASTERT,  
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 January 9, 2003 at 3:15 p.m.

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

Appointments:

Benjamin Franklin Tercentenary Commission.

Antitrust Modernization Commission.

Ticket to Work and Work Incentives Advisory Panel.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,  
Clerk of the House.

#### 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, January 10, 2003.

Hon. J. DENNIS HASTERT,  
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 January 10, 2003 at 9:40 a.m.

That the Senate passed without amendment H.R. 11.

That the Senate passed without amendment H. Con. Res. 8.

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, the Speaker signed the following enrolled joint resolution on Thursday, January 9, 2003:

H.J. Res. 1, making further continuing appropriations for fiscal year 2003, and for other purposes.

And Speaker pro tempore THORBERRY signed the following enrolled bill on Friday, January 10, 2003:

H.R. 11, to extend the National Flood Insurance Program.

#### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

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

HOUSE OF REPRESENTATIVES,  
Washington, DC, January 7, 2003.

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

DEAR MR. SPEAKER: I have had the great privilege and honor to have been selected as

the representative of the people of the 19th District of Texas through ten elections. My service in the U.S. Congress has been the most rewarding professional experience of my life, and I thank every one of my constituents who were kind enough to put their trust and faith in my leadership.

However, there comes a time in everyone's life when the focus needs to be more on family than other things, and I am at that point in my life.

At close of business on May 31, 2003, I will resign my seat as the Representative of the 19th district of Texas in the U.S. House of Representatives. I have written to the Governor of Texas to advise him of my decision so that he can set a date to schedule an election so the people of the 19th District can choose my successor.

Sincerely,

LARRY COMBEST.

HOUSE OF REPRESENTATIVES,  
Washington, DC, January 7, 2003.

Hon. RICK PERRY,  
Governor of Texas, State Capitol,  
Austin, TX.

DEAR RICK: I have had the great privilege and honor to have been selected as the representative of the people of the 19th District of Texas through ten elections. My service in the U.S. Congress has been the most rewarding professional experience of my life, and I want to thank every one of my constituents who were kind enough to put their trust and faith in my leadership.

However, there comes a time in everyone's life when the focus needs to be more on family than other things, and I am at that point in my life.

Please accept this letter as my resignation from the office of Representative of the 19th District of Texas in the U.S. House of Representatives to be effective close of business May 31, 2003. As I continue to serve the great people of the 19th district until such date, this written resignation should allow you sufficient opportunity to set a date to schedule an election so the people of the 19th District can choose my successor.

Sincerely,

LARRY COMBEST.

#### PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

Whereas, a vacancy for election purposes now exists in the membership of the United States House of Representatives from the 19th Congressional District of Texas, which consists of Andrews, Bailey, Cochran, Crane, Ector, Gaines, Hockley, Howard, part of Lamb, Loving, Lubbock, Lynn, Martin, Midland, Parmer, Terry, Ward, Winkler, and Yoakum Counties; and

Whereas, the United States Constitution, Art. I, §2, requires the executive authority of the state to issue writs of election to fill such vacancies, and 2 U.S.C. §8, requires that the date of such election be as prescribed by state law, and Texas Election Code §204.021, requires that such a vacancy be filled by special election; and

Whereas, Tex. Elec. Code §203.004, requires that, absent a finding of an emergency, the special election be held on the next eligible uniform election date occurring on or after the 36th day after the date the election is ordered, which would be May 3, 2003; and

Whereas, Tex. Elec. Code §3.003, requires the election to be ordered by proclamation of the Governor;

Now, therefore, I, Rick Perry, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby order by this proclamation a special election to be held in District 19 on Saturday, May 3, 2003, for the purpose of

electing a U.S. Representative for Dist. 19 to serve out the unexpired term of the Hon. Larry Combest.

Candidates who wish to have their names placed on the special election ballot must file their applications with the Secretary of State no later than 5:00 p.m. on Wednesday, April 2, 2003.

Early voting by personal appearance shall begin on Wednesday, April 16, 2003, in accordance with Tex. Elec. Code §85.001(a).

#### COMMUNICATION FROM DEPUTY GENERAL COUNSEL OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Kerry W. Kircher, Deputy General Counsel of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE GENERAL COUNSEL,  
Washington, DC, January 13, 2003.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that we have been served with a civil subpoena for documents, issued by the Superior Court of San Francisco County, California, and directed to Custodian of Records for U.S. House of Representatives Office of General Counsel.

This office has no documents responsive to the subpoena and has so advised the party that caused the subpoena to be issued.

Sincerely,

KERRY W. KIRCHER,  
Deputy General Counsel.

#### IRAQ MUST DISARM

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

Mr. GIBBONS. Mr. Speaker, today, U.N. Chief Inspector Hans Blix issued his report outlining the continued defiance and noncompliance of Saddam Hussein.

After over 2 months and 350 inspections, Iraq continues to conceal pertinent information on its weapons of mass destruction. We know of thousands of liters of biological and chemical agents, such as anthrax and mustard gas, that are still unaccounted for.

It is clear that Iraq is in material breach of U.N. resolutions because it refuses to fully cooperate, and it refuses to accept complete disarmament as demanded by the entire international community.

Now is the time for the United Nations to stand strong, and now is the time to hold Iraq responsible to the international community. We do not have the luxury of time with such a dangerous despot as Saddam Hussein, a man who has used biological and chemical weapons on his own people.

We cannot allow Saddam Hussein to continue to have control over an arsenal that threatens all peace-loving nations. Iraq must be disarmed, or it must voluntarily disarm.