

There was no objection.

RESIGNATION AS MEMBER OF
COMMITTEE ON RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Resources:

CONGRESS OF THE UNITED STATES,

Washington, DC, February 12, 2003.

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

DEAR MR. SPEAKER. Effective February 12, 2003, I hereby take a leave of absence from my position on the Resources Committee in order to assume my appointment to the Select Committee on Homeland Security.

Sincerely,

EDWARD J. MARKEY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.
There was no objection.

IN SUPPORT OF MIGUEL ESTRADA

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

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in support of the nomination for Miguel Estrada to the District of Columbia Circuit Court of Appeals. This is an extremely well-qualified candidate that I am happy to speak in support of.

This is someone that the American Bar Association, it is not just me who is saying positive things about him, has described as "well qualified."

He was born and raised in Honduras. He would be the first Hispanic ever to sit on the U.S. Court of Appeals in the D.C. Circuit, which many consider the second highest court in our land.

He has extensive appellate experience and is widely regarded as really one of this country's best appellate lawyers. He has argued 15 cases before the U.S. Supreme Court.

If we look at the background and the strong support and experience that he is bringing to this position, he graduated magna cum laude from Columbia, something that is a high distinction amongst any group. He also graduated magna cum laude from Harvard Law School, with a JD degree, where he was the editor of the Harvard Law Review.

After that he went on to become a clerk in the U.S. Court of Appeals in the Second Circuit and also a law clerk for justice Anthony Kennedy, no relation, on the U.S. Supreme Court. Following that, he was Assistant U.S. Attorney and Deputy Chief of the Appellate Section of the U.S. Attorney's Office in the Southern District of New York, a very highly respected district, and was Assistant to the Solicitor General of the United States under both President Clinton and under George Herbert Walker Bush. So he has had experience really working under both administrations and both sides had pre-

viously affirmed him to be a very well-qualified candidate.

So this is someone that brings some experiences that we should be very pleased to accept in this important position.

He has strong support among the Latino community. I know Robert Deposada, who I had the opportunity to be in a different event with here just recently, says of him, "to deny Latinos, the Nation's largest minority, the opportunity to have one of their own serve on this court in our Nation's capital is unforgivable." I would certainly agree.

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Mr. Speaker, there are some that would make the claim that he lacks judicial experience, but I would say five of the eight judges currently serving in the D.C. court had no previous judicial experience, including Byron White, who was nominated by President Kennedy, and our current Chief Justice Rehnquist, who had no prior judicial experience. Some would say that he has refused to provide memorandum that he provided when he was assistant Solicitor General. But I would remind everyone that that was not requested of seven previous nominees to the court of appeals that had worked in the Solicitor General's office, and every living former Solicitor General, Democrat or Republican, has signed a joint letter to the committee stating that this request would be debilitating on the ability of the Justice Department to represent the United States before the Supreme Court.

So this is a justice and someone who brings unbelievable experience to our courts, someone who we should reach out and welcome, and I certainly am pleased to have the opportunity to join the many colleagues that have been on this floor here earlier today to speak on his behalf, and I would urge all of my colleagues to do so.

RECESS

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 1 minute p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

645. A letter from the Secretary, Department of Housing and Urban Development, transmitting a report of a violation of the Antideficiency Act and the Office of Management and Budget Circular A-11, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

646. A letter from the Under Secretary, Department of Defense, transmitting notification regarding the Department's report for purchases from foreign entities for Fiscal

Year 2002, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

647. A letter from the Secretary of the Navy, Department of Defense, transmitting notification regarding the discontinuation of training at the Vieques Naval Training Range; to the Committee on Armed Services.

648. A letter from the Acting Program Manager, Pentagon Renovation Program, Department of Defense, transmitting the twelfth Annual Report on the renovation of the Pentagon; to the Committee on Armed Services.

649. A letter from the Under Secretary, Department of Defense, transmitting the Department's report entitled, "Overseas Commissaries and Exchange Stores—Access and Purchase Restrictions," as required by Section 2492 of Title 10, United States Code; to the Committee on Armed Services.

650. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Conditions for Use of NON-GAAP Financial Measures [Release No. 33-8176; 34-47226; FR-65; File No. S7-43-02] (RIN: 3235-A169) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

651. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Transactions of Investment Companies with Portfolio and Subadviser Affiliates [Release No. IC-25888; File No. S7-13-02] (RIN: 3235-A128) received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

652. A letter from the Chief Counsel, Office of Foreign Assets, Department of the Treasury, transmitting the Department's final rule—Reporting and Procedures Regulations; Cuban Assets Control Regulations: Publication of Economic Sanctions Enforcement Guidelines—received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

653. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department intends to consent to a request by the Government of Germany for a transfer of articles; to the Committee on International Relations.

654. A letter from the Director, Office of Personnel Management, President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform.

655. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Certification of the Fiscal Year 2003 Revenue Estimate in Support of the District's \$374,200,000 Multimodal General Obligation Bonds (Series 2002A and 2002B)," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

656. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Annual Report on Commercial Activities; to the Committee on Government Reform.

657. A letter from the Inspector General, Department of Housing and Urban Development, transmitting the Department's inventory of activities as required by OMB Circular A-76 and the Federal Activities Inventory Reform Act; to the Committee on Government Reform.

658. A letter from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's FY 2002 Commercial Activities Inventory; to the Committee on Government Reform.

659. A letter from the Chief of Staff, Federal Mediation and Conciliation Service, transmitting the FY 2002 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

660. A letter from the Executive Director, Federal Mine Safety and Health Review Commission, transmitting the Commission's inventory of activities prepared pursuant to the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

661. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the consolidated annual reports under the Federal Managers Financial Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

662. A letter from the Chairman, National Mediation Board, transmitting the FY 2002 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

663. A letter from the Director, Office of Personnel Management, transmitting the Office's strategic plan for fiscal years 2002 through 2007; to the Committee on Government Reform.

664. A letter from the Director, Office of Personnel Management, transmitting the FY 2002 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

665. A letter from the Under Secretary and Director, United States Patent and Trademark Office, transmitting the Office's FY 2002 annual report on management of commercial activities; to the Committee on Government Reform.

666. A letter from the Chairman, United States Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

667. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pa-

cific Groundfish Fisheries [Docket No. 011219306-2283-02; I.D. 110501A] (RIN: 0648-AM44) received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

668. A letter from the Secretary, Judicial Conference of the United States, transmitting the fifth Judicial Conference Report on the Continuing Need for Existing Bankruptcy Judgeships, pursuant to 28 U.S.C. 152(b)(2); to the Committee on the Judiciary.

669. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Equivalent Safety Provisions for Fuel Tank System Fault Tolerance Evaluations (SFAR 88) [Docket No. FAA-1999-6411; Amendment No. 21-82] (RIN: 2120-AH85) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

670. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port of Palm Beach, Palm Beach, FL; Port Everglades, Fort Lauderdale, FL; Port of Miami, Miami, FL; and Port of Key West, Key West, FL [COTP Miami 02-156] (RIN: 2115-AA97) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

671. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters [CGD05-02-102] (RIN: 2115-AE84) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

672. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters [CGD05-02-103] (RIN: 2115-AE84) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

673. A letter from the Secretary, Department of Labor, transmitting the Department's ninth report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 2000 to 2001, pursuant to 19

U.S.C. 3205; to the Committee on Ways and Means.

674. A letter from the Secretary, Department of Commerce, transmitting a report on the executive branch strategy regarding WTO dispute settlement panels and the appellate body; to the Committee on Ways and Means.

675. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Disclosure of Return Information to the Bureau of the Census [TD 9037] (RIN: 1545-AY52) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

676. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Offshore Voluntary Compliance Initiative (Rev. Proc. 2003-11) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

677. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Incoming Housing Credit (Rev. Rul. 2003-2) received January 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

678. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of Early Retirement Benefit and Retirement-Type Subsidy [Notice 2003-10] received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

679. A letter from the Acting General Counsel, Office of Compliance, transmitting a Report on Inspections for Compliance with the Public Access Provisions of the Americans with Disabilities Act Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104—1, section 210(f) (109 Stat. 15); jointly to the Committees on House Administration and Education and the Workforce.

680. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Hospital Conditions of Participation: Quality Assessment and Performance Improvement (RIN: 0938-AK40) received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

NOTICE

*Incomplete record of House proceedings.
Today's House proceedings will be continued in the next issue of the Record.*