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## Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, December 9, 2003, at 10 a.m.

## House of Representatives

MONDAY, DECEMBER 8, 2003

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
December 8, 2003.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

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

### 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. 99. An act for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani.

S. 103. An act for the relief of Lindita Idrizi Heath.

### NOTICE

If the 108th Congress, 1st Session, adjourns sine die on or before December 9, 2003, a final issue of the Congressional Record for the 108th Congress, 1st Session, will be published on Monday, December 15, 2003, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-410A of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 12, 2003. The final issue will be dated Monday, December 15, 2003, and will be delivered on Tuesday, December 16, 2003.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerkhouse.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60 of the Capitol.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

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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S. 460. An act to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

S. 541. An act for the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova.

S. 573. An act to amend the Public Health Service Act to promote organ donation, and for other purposes.

S. 648. An act to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

S. 848. An act for the relief of Daniel King Cairo.

S. 854. An act to authorize a comprehensive program of support for victims of torture, and for other purposes.

S. 1130. An act for the relief of Esidronio Arreola-Saucedo, Maria Elena Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola.

S. 1402. An act to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2004 through 2008, and for other purposes.

S. 1683. An act to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees.

S. 1881. An act to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments made by the Medical Device User Fee and Modernization Act of 2002, and for other purposes.

S. 1920. An act to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The message also announced that the Senate has agreed to the House amendment with an amendment.

S. 877. An act to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

#### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

#### PLENTY IS WRONG WITH THE WAL-MART PICTURE

Mr. BLUMENAUER. Mr. Speaker, a drama is taking place about the future, not just of America's economy, but the global marketplace. A metaphor for this drama is the role that Wal-Mart, the world's largest retailer, plays. Since its founding by Sam Walton in 1962, it has grown to be larger than the economies of 170 nations.

By rigorous cost containment and careful attention to detail, it has

forced suppliers to be competitive and more effective. It has given Americans lower prices, and some experts even say has held down inflation. What could be wrong with this picture? Well, plenty.

First of all, there are the costs to communities. It appears that communities lose far more jobs with Wal-Mart than they gain. Depending upon that community and whether or not those jobs lost are unionized, the jobs that they do get are \$2 to \$10 an hour less than those destroyed. Much of the opposition is to the impact that Wal-Mart has on the fabric of the communities it operates in, often at the outskirts of town, drawing away from the vitality of the main street where businesses, slowly, are strangled.

The impact can even be devastating for its suppliers, as detailed in a cover story in this month's Fast Company magazine, discussing the impact on Huffy Bikes and Vlastic Pickles, where companies end up being squeezed and often cannibalizing themselves. Finally, there are grave questions about the treatment of workers in the factories around the world that supply Wal-Mart.

There appears to be a corrosive impact on Wal-Mart itself: It is not just anti-union, but blatantly so, firing workers who are sympathetic to unions. There is illegal coercion of their own employees who may be interested in unions, and illegal roadblocks to people who would organize.

Last June in the Wall Street Journal, there was a story about Wal-Mart firing workers earning \$9.50/hour just because they were at the upper end of Wal-Mart's already low pay scale.

There is strong evidence that the corporate culture that knows every detail of its supply chain refuses to correct abuses that have been widely reported in its own operation.

Last year in Oregon, a jury found that company managers had coerced hundreds of employees to work overtime without compensation, as Wal-Mart managers were tampering with time cards, and forcing employees to work off the clock. This appears not to be an isolated example. Already Wal-Mart has settled overtime suits in Colorado and New Mexico, and there are more than 40 other cases pending across the country.

Equally as distressing was the raid this fall of 61 Wal-Mart stores where it appears they were contracting with companies to clean their stores who systematically used illegal immigrants. These employees were cheated out of overtime by these companies that often failed to pay their taxes. A systemic pattern by a company known for insisting on detailed, private financial information from its suppliers, but unable or unwilling to make sure that its own contractors follow the law. This raises huge questions about their 10,000 overseas contractors and subcontractors, about whether or not Wal-Mart has complied with its own vague code of conduct, especially since Wal-

Mart is the only major retailer that refuses to allow independent auditing of its factories overseas.

Mr. Speaker, it is time for Wal-Mart to open up to independent monitoring abroad, to stop cheating its employees at home, and to become a force to lift standards, to make our world a better place.

To help them, Congress ought to start now investigating the practices of America's largest retailer, particularly as it relates to labor and employment. Communities should help Wal-Mart by not cutting corners and cutting their own throats in competition for another store, and instead establish reasonable land use and planning regulations for Wal-Mart developments.

Most important, consumers should begin to consider whether the lowest price is worth any cost: to the poor of the world, to suppliers here at home, to the health of our main streets, and the abuse of Wal-Mart workers, and Americans denied basic organizing rights. There is a Wal-Mart Day of Action planned next month for January 14. This will give us all an opportunity to consider whether the lowest price, regardless of its cost, is worth it.

#### HONORING JUDGE HERBERT CHOY

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from California (Mr. COX) is recognized during morning hour debates for 5 minutes.

Mr. COX. Mr. Speaker, today, in San Francisco, the Ninth Circuit Court of Appeals is going to honor one of its most distinguished judges by hanging his portrait in historic Courtroom One in the courthouse on 7th Street in San Francisco. That jurist is Herbert Y.C. Choy. I am very privileged to have worked for him in my first job upon graduation from law school as his law clerk.

Today, some 31 generations of Choy law clerks will honor him, along with Chief Judge Mary Schroeder of the Ninth Circuit Court of Appeals; Richard Clifton, the successor to Judge Choy in the Ninth Circuit courthouse in Honolulu; and also one of his law clerks, John McCuckin, who is now executive vice president of Union Bank, and many, many others from around the country who honor and treasure and respect Judge Choy and his wife, Helen.

Judge Choy is the first Asian American ever appointed to the Federal bench. He is the first Asian American not only on an article 3 court, but on any court. He is the first Korean American to be appointed to the Federal bench, and he is the first Hawaiian ever to be appointed to serve representing the State of Hawaii on the Ninth Circuit Court of Appeals.

Judge Choy is the son of immigrants who came to Hawaii, came to the United States from Korea, as part of a great wave to work on Hawaii's sugar plantations. The Hawaiians of Korean