

is the first nomination of a judge by a President of the United States who is Hispanic to the second most important court? A glaring problem is the lack of Hispanic judges until now. President Bush is trying to remedy that; and the Democrats are placing roadblocks, because he is Hispanic, in the path of a decent and honorable man with a superb record.

Mr. KINGSTON. If the gentleman would yield, this obviously never was a problem until a Hispanic came before the Democratic Senators. The reason I say that is five of the eight judges serving in the D.C. Circuit had no prior judicial experience. That includes two of President Clinton's nominees, Mr. Garland, whom we talked about earlier whose justice record was quite similar to Mr. Estrada's, and David Tatel. It also includes Judge Harry Edwards, who was appointed by President Carter in 1980, and Edwards was younger than Estrada. Five out of eight of them did not have to have judicial experience, but suddenly a Hispanic comes along and this is a big issue. Another thing that is interesting is that on the Supreme Court now, two of the judges, Byron White, nominated by President Kennedy, and William Rehnquist, the current Chief Justice, had no prior judicial experience when appointed to the Supreme Court, but now it is a different program, a different standard.

The other thing that is interesting is that the Democrats who are trying to torpedo Mr. Estrada also will claim he does not have Hispanic support, which I would say, number one, this is not a poll, this is not a popularity contest; but, number two, he actually has the endorsement of the League of the United Latin American Citizens, which is the country's oldest Hispanic civil rights organization; the Hispanic National Bar Association; the U.S. Hispanic Chamber of Commerce; the Hispanic Business Roundtable; the Latino Coalition; and many other Latino groups. They are all supporting him, and yet that does not count, I guess.

Mr. LINCOLN DIAZ-BALART of Florida. Exactly. Actually, I would agree with the gentleman that once one analyzes, if one has a chance to go through the road blocks and analyze them, one realizes that they are farcical. But it is really sad here because we are dealing with a life of a human being. We are not dealing with a farce. We are dealing with the life of a real human being who came to this country at age 17 to work very hard, and he has worked very hard and he makes all Americans proud. And if I may, I think it is relevant to point out, by the way, when Mr. Estrada was Solicitor General, most of the years that he was Solicitor General was under a Democratic administration, the administration of President Clinton; and let us hear what Mr. Clinton's Solicitor General has to say about Mr. Estrada. This is Seth Waxman, the former Solicitor General under President Clinton: "During the time that Mr. Estrada and I worked to-

gether, he was a model of professionalism and competence. I greatly enjoyed working with Miguel, profited from our interactions, and was genuinely sorry when he decided to leave the office in favor of private practice. I have great respect both for Mr. Estrada's intellect and for his integrity. In no way did I ever discern that the recommendations Mr. Estrada made or the views he propounded were colored in any way by his personal views or indeed that they reflected anything other than the long-term interests of the United States." That is Clinton's Solicitor General.

If I may read the comments of Ronald Klain, the former counselor to Vice President Gore: "Miguel Estrada is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent. Miguel will rule as a judge justly toward all, without showing favor to any group or individual. The challenges he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and genuinely divided to helping those in need.

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My dear friend, the Democrats have chosen the wrong case upon which to make a stand in opposition. They chose the wrong case when they placed roadblocks before a young man who arrived at 17 from Honduras and got here to work hard and has worked hard and made all Americans proud. They have chosen the wrong case when they oppose an immigrant, a Hispanic immigrant, who arrived here and who has made his family and all Hispanics proud. They have chosen the wrong case.

Mr. KINGSTON. I wonder, because we talked about immigrant patriotism before, maybe their problem, after all, is not that he is Hispanic. Maybe their problem is the fact that he is an immigrant and therefore more pro-American than the average person, and they cannot stand the fact of a patriotic, God-fearing family and country-first American sitting on the judicial bench, which, in my opinion, we need a heck of a lot more of.

I never met Mr. Estrada, but that is what he sounds like. If he is anything like the Diaz-Balart brothers, I know he is.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I share another thing with the gentleman, and I have not met him either. What has incensed me and what has bothered me to the core is that people on the other side of the aisle are accusing him of not being Hispanic enough. When I heard those accusations and I read his biography, because when I started hearing the accusations I started studying the biography and the work of the life of this immigrant, Miguel Estrada, it has bothered me to the core that they would have chosen to make a political case out of a man who arrived here as

a very young man and has done nothing more but in an honest and day-in-and-day-out intense manner worked hard to honor his family and his country. It is extremely bothersome.

I think the American people who have had the opportunity to hear us tonight, I am sure, must be bothered as well. What I would urge is that since in these upcoming hours the other body is going to have that decision to make, I would urge that they not make the serious mistake, because of petty politics, to stop, in effect, the career of a brilliant young man who has done nothing but work hard to honor his family, to honor all Hispanics, to honor all immigrants, and, yes, to honor the United States of America.

I thank the gentleman very much for the opportunity to have been able to join him.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman, and I have to ask the gentleman, since he kind of dodged my early solicitation for personal biographical information, how old was he when he was first elected to Congress?

Mr. LINCOLN DIAZ-BALART of Florida. I was confused, because the gentleman said I dodged his question when he asked about my personal background. By the way, I am very proud of my family's background. In no way did I want to seem when I did not want to get into the family background today that I am not proud of it. I am, as I am proud of all Cuban Americans and all Hispanics and all immigrants in this country and all Americans. But I did not want to get into that, because I wanted to focus tonight on Miguel Estrada.

Mr. KINGSTON. The reason why I asked, when the gentleman and I came to Congress we were both a little bit younger. But the reality is here is a guy 41 years old. He is a star, a rising star. Maybe the Democrats think that they can put a notch on their holster if they shoot this guy down and stop him in his tracks.

I hope they do not. I hope he continues to rise, not because he is young, not because he is a Hispanic, not because he is an immigrant, but because he is pro-American and he wants to do what is right, and that is what we need on our judicial benches all over America.

Mr. LINCOLN DIAZ-BALART of Florida. I agree with the gentleman and commend him on his hard work on so many issues, day in and day out. The gentleman from Georgia is an honor to this Congress, his district and constituents, and to all of the American people.

Mr. KINGSTON. I thank the gentleman, and thank him for everything he does.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). The Chair will remind all Members that it is not

in order to urge the Senate to take a particular action with regard to a presidential nomination, and avoid criticisms of that body.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BONO (at the request of Mr. DELAY) for February 5 on account of attending to district business.

Mr. CANNON (at the request of Mr. DELAY) for today on account of family reasons.

Mr. TAUZIN (at the request of Mr. DELAY) for today on account of illness.

#### 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. MORAN of Virginia) to revise and extend their remarks and include extraneous material:

Mr. DEFAZIO, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

The following Members (at the request of Mr. FRANKS of Arizona) to revise and extend their remarks and include extraneous material:

Mr. GINGREY, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, February 12.

Mr. YOUNG of Florida, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, February 12.

Mr. NUSSLE, for 5 minutes, today.

Mr. BEAUPREZ, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. BLUNT, for 5 minutes, today.

Mr. BOEHNER, for 5 minutes, today.

Mr. TERRY, for 5 minutes, February 12.

Mrs. BLACKBURN, for 5 minutes, February 12.

#### ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 12, 2003, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

568. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of Title 31, Section 1341(a)(1)(A), by the Department of the Navy, case number 99-09B; to the Committee on Appropriations.

569. A letter from the Assistant Secretary, Department of Defense, transmitting a re-

port on cervical cancer screening; to the Committee on Armed Services.

570. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Retention of Records Relevant to Audits and Reviews [Release Nos. 33-8180; 34-47241; IC-25911; FR-66; File No. S7-46-02] (RIN: 3235-A174) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

571. A letter from the Assistant Administrator for Fisheries, NMFS, Securities and Exchange Commission, transmitting the Commission's final rule — Insider Trades During Pension Fund Blackout Periods [Release No. 34-47225; IC-25909; File No. S7-44-02] (RIN: 3235-A171) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

572. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Disability and Rehabilitation Research Projects, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

573. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — Rehabilitation Training; Rehabilitation Long-Term Training Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

574. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's Alternative Fuel Vehicles reports for FY 1999-2001, pursuant to Public Law 105-388 section 310 112 stat. 3481; to the Committee on Energy and Commerce.

575. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Policies and Rules for the Direct Broadcast Satellite Service [IB Docket No. 98-21] received January 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

576. A letter from the Chair, National Committee on Vital and Health Statistics, transmitting the Fifth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act, pursuant to Public Law 104-191, section 263 (110 Stat. 2033); to the Committee on Energy and Commerce.

577. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 02-03 which informs of an intent to sign Amendment Number Three to the Cooperative Ballistic Missile Defense Research Memorandum of Understanding between the United States and Japan, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

578. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 01-03 which informs of an intent to sign a Memorandum of Agreement between the United States and Singapore for Research, Development, Testing and Evaluation Projects, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

579. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fiftieth report on the extent and disposition of United States contributions to international organizations for fiscal year 2001, pursuant to 22 U.S.C. 262a; to the Committee on International Relations.

580. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting text of agreements in which the American Institute in Taiwan is a party between January 1 and December 31, 2001, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

581. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for the government of Afghanistan; to the Committee on International Relations.

582. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting a report on steps the Corporation has taken over the past year to expend its activities in sub-Saharan Africa, including the invigoration of the Corporation's Africa Investment Council, pursuant to (114 Stat. 270); to the Committee on International Relations.

583. A letter from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 2002, pursuant to 3 U.S.C. 113; to the Committee on Government Reform.

584. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-627, "Local, Small and Disadvantaged Business Enterprises Program Temporary Amendment Act of 2003" received February 10, 2003, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

585. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-626, "Prevention of Premature Release of Mentally Incompetent Defendants Temporary Amendment Act of 2003" received February 10, 2003, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

586. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-625, "Rehabilitation Services Program Establishment Temporary Act of 2003" received February 10, 2003, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

587. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-624, "Bowling Alley and Billiard Parlor Temporary Act of 2003" received February 10, 2003, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

588. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-623, "Tax Increment Financing Reauthorization Temporary Act of 2003" received February 10, 2003, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

589. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-622, "Criminal Code and Miscellaneous Technical Amendments Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

590. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-621, "Removal from the Permanent System of Highways, a Portion of 22nd Street, S.E., and the Dedication of Land for Street Purposes (S.O. 00-89) Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

591. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-620, "Council Review of the Exclusive Right Agreement for the Redevelopment of the Existing Convention Center Site Amendment Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

592. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-619, "District Anti-Deficiency Act of 2002" received February 10, 2003, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.