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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, January 31, 2003, at 10 a.m.

Senate

THURSDAY, JANUARY 30, 2003

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. This morning we will be led in prayer by our guest Chaplain, Dr. J. Howard Edington of the First Presbyterian Church in Orlando, FL.

PRAYER

The guest Chaplain offered the following prayer:

God on high, hear my prayer: You have led us in the past, lead us still. Gathered in this historic chamber are those who, by Your leave and by the will of the people, have been chosen to lead this Nation. We are a Nation of constitutional ideals; may these Senators lead us always to uphold them. We are a Nation made great by moral conviction; may they not rest until every American has shared in that greatness. We are a Nation which exalts freedom; may they never forget that true freedom exists for each of us only when that freedom exists for all of us. We are a Nation blessed by extraordinary bounty; may their decisions ultimately prove to be a blessing to people whose lives may be anything but bountiful.

Great God, in these days when the red, white, and blue waves proudly over our land, may the truths that flag represents take root in the hearts of both our leaders and our people. May the red of sacrifice, the white of purity, and the blue of loyalty mark the way these Senators lead and the way the American people live; and may we celebrate the fact that truth cannot be killed, love cannot be stopped, hope cannot be

destroyed, freedom cannot be denied, and God cannot be defeated. Therefore, I pray, God bless America, and God bless us all. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, on behalf of the majority leader, I will announce the schedule for today. This morning, there will be a period for morning business until the hour of 1 p.m., with the time equally divided between the two leaders or their designees. A consent agreement was reached last night for the consideration of the nomination of Gordon England to be Deputy Secretary for Homeland Security. That debate and vote is expected this afternoon. We will notify all Members when that rollcall vote is expected.

In addition, the nomination of John Snow to be Secretary of the Treasury was reported by the Finance Committee by a unanimous vote this morning. It is hoped the Senate will be able

to act on that important nomination during today's session. Therefore, additional votes can be expected during today's session of the Senate.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Nevada.

Mr. REID. Mr. President, I want to ask the distinguished majority whip a question or two. It is my understanding this Friday the Democrats have a retreat in Washington. It is my understanding there is going to be a joint retreat of the congressional Republicans next Thursday and Friday. Is it fair to be able to tell Members that next Thursday and Friday there likely will be no votes?

Mr. McCONNELL. It would be safe to say on Friday, but Thursday would not be safe to say.

Mr. REID. It is my understanding the train leaves at noon. So we could have something in the morning, is that the deal?

Mr. McCONNELL. Yes.

Mr. REID. As I have indicated to the distinguished Senator from Kentucky before we came into session, we will work to see what we can do on the Snow nomination. As the Senator knows, we have one Member on our side who has some questions, I do not think as much with the individual but with some policies. I will talk to him shortly and see if we can expedite this matter.

Mr. McCONNELL. It would be very helpful if that meeting with the Member about Mr. Snow could be expedited. That would be greatly appreciated.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S1759

MEASURE PLACED ON THE
CALENDAR—S. 241

Mr. McCONNELL. Mr. President, I understand that S. 241 is at the desk and is due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 241) to amend the Coastal Zone Management Act.

Mr. McCONNELL. I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time has been reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a period for morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided in the usual form.

The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that I be allowed to address the Senate for a period not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DAVID HOPPE

Mr. KYL. Mr. President, I pay special tribute to a member of the staff of Senator TRENT LOTT who is going to be leaving his Senate responsibilities and going elsewhere in this city to work in the private sector. For many years, David Hoppe has worked in various capacities for Senator LOTT, most recently as his chief of staff when he was majority leader. He also has worked as his staff director. He also worked for Representative Jack Kemp. He has had positions in the Heritage Foundation, as well as working on his own previously. He is a specialist in a variety of areas, including the area of energy policy. I think most of us remember David as someone who was always very clear headed, very level headed, and very helpful to all of us, minority and majority, as we worked in the Senate.

It can be a very hectic proposition to try to juggle all of the things that have to be juggled on the floor, and it takes a very level-headed person to be able to manage the egos of 100 Senators and deal with the majority leader's responsibilities. David Hoppe always did that with great aplomb, and it will be our loss that he leaves the Senate, but I am sure we will not hear the last of David Hoppe. My hat is off to him for his many years of service. I wish him the very best in his new career.

NOMINATION OF MIGUEL ESTRADA

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD three separate items. The first, as was mentioned by the distinguished assistant majority leader, concerns the Judiciary Committee that is meeting today to consider the nomination of Miguel Estrada for the D.C. Circuit Court of Appeals. I left that meeting in order to be in the Chamber but will be casting my vote in support of his nomination.

I ask unanimous consent to have printed in the RECORD an editorial appearing in today's Wall Street Journal by Herman Badillo, who illustrates some of the reasons why Miguel Estrada should be confirmed when he is brought before the full Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 30, 2003]

QUÉ PASA, CHUCK?

(By Herman Badillo)

NEW YORK.—Nothing makes Democrats more frenzied than when a Hispanic or African-American goes off the reservation. Witness now the opposition that the Puerto Rican Legal Defense Fund and the usual Washington special interests are giving Miguel Estrada, the young Honduran immigrant-turned-New Yorker that President Bush has nominated to the D.C. Circuit Court of Appeals.

Congressional Democrats have gone so far as to say that Mr. Estrada is a Hispanic "in name only."

But if their behavior is outrageous it is also par for the course. Half of the Democrats' energy lately seems focused on corralling the nation's two largest minority groups into an intellectual ghetto. The vitriol we saw most famously directed at Clarence Thomas, and more recently at Condoleezza Rice, demands that blacks and Hispanics toe a political line to have their success acknowledged by their own community.

When confirmed by the Senate, Miguel Estrada, a brilliant lawyer with extraordinary credentials, will be the first Hispanic on the second most prestigious court in the land. He will be a role model not just for Hispanics, but for all immigrants and their children. His is the great American success story.

But his confirmation by the Senate will come no thanks to Chuck Schumer, his home-state senator. Mr. Schumer has thrown every old booby-trap in Mr. Estrada's way, and invented a few new ones just for him. When the Senate held a hearing for Mr. Estrada last year, Mr. Estrada's mother told Mr. Schumer that she had voted for him and hoped that he would return the favor. He hasn't yet.

It is hard to blame Democrats of course. They know how their bread is buttered and by whom—the monied special interest groups that have made a profitable business of opposing the nominations of President Bush. The Hispanic groups that shun Mr. Estrada, including the Congressional Hispanic Caucus, which announced its opposition to his nomination last September, are a different matter. They should be ashamed of themselves.

Sen. Orrin Hatch (R., Utah), who heads both the Senate Judiciary and the Senate Republican Hispanic Task force, put it well when he said that these liberal Hispanic

groups "have sold out the aspirations of their people just to sit around schmoozing with the Washington power elite."

Mr. Schumer's one-man campaign against Mr. Estrada has grown tiresome too. Despite the rebuke of every living U.S. solicitor general of both parties dating back four decades, Mr. Schumer continues to make irresponsible demands, never made before for a non-Hispanic nominee, and insists on making backhanded and unfounded insinuations about Mr. Estrada's career and temperament. This treatment of Mr. Estrada is demeaning and unfair, not only to the nominee but also to the confirmation process and the integrity of the Senate.

Mr. Schumer's petulance ignores Mr. Estrada's qualifications, intellect, judgment, bipartisan support, and that he received a unanimous "well qualified" rating—the highest possible rating—from the American Bar Association. The liberal Hispanic groups that challenge Mr. Estrada's personal identity as a Hispanic ignore his support by non-partisan Hispanic organizations, such as the Hispanic National Bar Association, the League of United Latin American Citizens, and the U.S. Hispanic Chamber of Commerce.

Mr. Schumer and his colleagues are fond of speaking about the need for "diversity" on the courts. Apparently that talk does not extend to President Bush's nominees, since the confirmation of Mr. Estrada would provide just such diversity on this important court. It is past time that Mr. Schumer put an end to his embarrassing grandstanding on Mr. Estrada's nomination.

One would think that a New York senator would know that, whether Puerto Rican, Dominican or Honduran, Hispanic are most united in one thing—the pride we take in our advancement as Americans regardless of where we started. One suspects that Mr. Schumer may learn this lesson yet, and that Miguel Estrada's name is one that Charles Schumer will hear repeated when he runs for re-election all too soon.

INCOME TAXES

Mr. KYL. Secondly, I ask unanimous consent to print in the RECORD a Wall Street Journal editorial dated Monday, January 27, which is entitled "No More Than 30 Percent." This complements some comments I made yesterday regarding President Bush's tax plan and makes the point that most Americans, rich or poor, agree that the most any American should ever have to pay in income taxes is 30 percent. In fact, most people believe it should be no higher than 30 percent. So even though we have a lot of Americans who are extraordinarily wealthy, by far and away most Americans believe confiscatory taxation violates America's sense of fairness.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 27, 2003]

NO MORE THAN 30%

The political class warriors can never seem to figure out why their "tax cuts for the rich" mantra fails to sway the American public. In the spirit of educating even our opponents, we'd point them to a recent poll from Fox News.

In addition to the usual questions about President Bush's tax cut proposals, the poll asked voters what is the maximum share of income that any American should pay in taxes. More than half think it should be no