When an administration that claims, as this one did, that it had hard incontrovertible evidence of weapons of mass destruction, the American people believed it because it came from the Office of the President. Now the President's security adviser admits there were serious doubts that Saddam had the aluminum tubes needed for weapons of mass destruction, the very basis for going to war; but the administration ignored the evidence and manufactured the sound bites that took America to war.

In so doing, the administration violated the trust the American people place in the Office of the President. The American people will take the first step in restoring integrity to the Office of the President when they elect JOHN KERRY as the next President on November 2. It cannot come too soon.

## CRYSTAL-CLEAR CHOICES

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

Mr. GREEN of Texas. Mr. Speaker, the future of our health care system is at stake in the November election.

In one way or another, every American has experienced the good, the bad, and the ugly about our health care system; and the question voters all across this country should ask themselves is: Are we better off than we were 4 years ago?

Let us take one look at our administration's record on health care. Since 2001, an additional 5.2 million Americans are uninsured. For the American businesses and families, health care premiums have risen more than $3,500 in these 3 years. We are paying more and covering fewer people.

Under this administration's watch, seniors have felt the sting of double-digit Medicare premium increases. Seniors and everyone else's prescription drug costs increase steadily, and we watch the administration fight plans that allow Medicare to negotiate for lower costs.

The American people deserve better. This Congress should do better.

We should fund children's health care programs and expand to working families who cannot afford health care insurance. We need to reverse this administration's damage by cutting our families' health insurance premiums by $1,000 a year.

□ 1015

We should allow for crucial stem cell research that holds such promise for our loved ones.

Mr. Speaker, the choice is clear this November.

## 150TH ANNIVERSARY OF FOUNDING OF REPUBLICAN PARTY

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

Mr. COX. Mr. Speaker, this is the 150th anniversary of the Republican Party's founding. After a century and a half, from the abolition of slavery to the establishment of women's suffrage, to the liberation of millions of people in the Soviet Union, Afghanistan and Iraq, there has not been any question but that the Republican Party is the most effective political organization in the history of the world in advancing the cause of freedom.

In 1924, this week, Republicans denounced the Democrats' Presidential nominee William Jennings Bryant for defending the Ku Klux Klan at the Democratic National Convention. It was this week in 1868 that Republicans denounced the Democrats for adopting a national campaign theme, ''This is a White Man's Country, Let White Men Rule.''

Mr. Speaker, each day of the year, the Republican Freedom Calendar highlights a civil rights achievement of this most American of institutions. The calendar is available at www.policy.house.gov.

## ARE YOU BETTER OFF—HEALTH CARE

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

Mr. RODRIGUEZ. Mr. Speaker, President Bush has had only one policy in the last 4 years and that is the fiscally irresponsible tax cuts to the wealthiest people in this country. Today, an additional 5.2 million Americans are uninsured, and the family share of health care premiums has risen by over $1,000 in 4 years, a 57 percent increase.

In addition, prior to George Bush, we had, for the first time in 12 years, brought down the number of uninsured. Now we find ourselves with 45 million Americans that are uninsured. Family USA just reported the fact that at any given time there are over 80 million Americans without access to insurance during a period of their life.

So we find ourselves in a situation where this administration has failed to keep up with the CHIP program, the program that responds to the needs of our children that are uninsured, of working Americans that are out there paying their taxes, working hard, but finding themselves without access to health care.

This country can do better. We can do better. We have the best health care system in the world. Let us do better.

## APPOINTMENT OF CONFEREES ON H.R. 4850, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4850) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2005, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey? The Chair hears none and, without objection, appoints the following conferees: Messrs. FRELINGHUYSEN, ISTOOK, CUNNINGHAM, DOOLITTLE, WELDON of Florida, CULBERSON, YOUNG of Florida, FATTAH, PASTOR, CRAMER, and OBEY.

There was no objection.

## PROVIDING FOR CONSIDERATION OF S. 878, CREATING ADDITIONAL FEDERAL COURT JUDGESHIPS

Mr. SESSIONS. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 814 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 814

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (S. 878) to authorize an additional permanent judgeship in the district of Idaho, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for purposes of debate only.

Mr. Speaker, this resolution before us is a well-balanced, structured rule that provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill, and provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

It waives all points of order against the committee amendment in the nature of a substitute, and makes in order only those amendments printed in the report of the Committee on Rules accompanying the resolution. It provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent. These amendments shall not be subject to amendment and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Finally, the rule waives all points of order against the amendments printed in the report and provides for one motion to recommit with or without instructions.

Mr. Speaker, I rise today in strong support of the rule for S. 878, a bill to authorize the creation of a number of much-needed Federal judgeships, as well as in strong support of the underlying legislation. This legislation already enjoys strong bipartisan support in the other body, where it was sponsored by my good friend, Senator LARRY CRAIG of Idaho, because it would greatly improve the ability of the Federal judiciary to handle its caseload and increase the number of cases and appeals that sit before them weighing the merits of each case.

By passing this legislation, Congress can help to lighten the load on some of our most overworked Federal judges and reduce the amount of time it takes them to review and process cases for appeal. By adding these new judgeships, Congress will be taking a meaningful step towards making justice in the Federal Judiciary more swift and fair in the United States of America.

We are bringing this legislation to the floor today in response to a survey conducted every 2 years by the Judicial Conference of the United States. The Judicial Conference makes an objective, biennial review of all U.S. Courts of Appeal and U.S. District Courts to determine if additional judges are needed in the Federal Court system. Recently, the Conference determined its benchmark caseload standards for Federal courts at 430 weighted cases per judgeship for district courts and 500 weighted cases per panel for circuit courts. This benchmark was then used to recommend to Congress what new judgeships are needed according to how many cases above the benchmark a particular Federal Court is handling.

The Judicial Conference process also took into account additional criteria that may influence the judgeship needs of each court, including the presence of senior judges and magistrate judges that help to relieve caseloads, geographical factors, unusual caseload complexities, and temporary caseload increases or decreases. Based upon these findings, the Conference then made a recommendation to Congress about how many new judges are currently needed to fill the judgeship gap in the Federal Judiciary.

The Judicial Conference of the United States completed its last review in March of 2003 and submitted a list of recommendations to the House and Senate Committees on the Judiciary. The legislation that we are considering today reflects those recommendations and creates 11 new circuit court seats and 47 new district court seats. In addition, under this legislation, four other temporary district judgeships are converted to permanent status.

Mr. Speaker, my father, Judge William S. Sessions, was a Federal District Judge in San Antonio, Texas, for 13 years, so I have firsthand experience in understanding how overworked judges are and the need we have for additional judges. However, this legislation is not just about making life easier for our Federal judges; it is about providing people with cases before Federal courts with the appropriate recourse to a speedy resolution of their complaints.

A judicial system that is unable to complete its work in a timely fashion compromises the integrity of that system, and this bill will help to restore our Federal courts' ability to rule on matters before them in a fair, deliberative, and expedited fashion. I believe that it is our duty, as Members of Congress, to address the concerns raised by the Judicial Conference of the United States; and by passing this rule, and this legislation, Congress will help address the overwhelming backlog in our Federal Court system.

I encourage all of my colleagues to stand up for our Judiciary by supporting this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague for yielding me this time, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, for far too many Americans, justice delayed is justice denied in our Federal Court system. Regrettably, today's Federal courts find themselves without the resources to adjudicate the cases in a timely fashion. Compliance with the Speedy Trials Act of 1974 must seem like an unachievable goal to judges all across this Nation, that struggle to keep our Federal court systems functioning.

Mr. Speaker, the rule before us is a restrictive rule that allows for 1 hour of general debate on this bill to create 47 new Federal district judge positions and add 11 circuit judgeships to the Federal bench. It allows consideration of only two of six amendments offered in the Committee on Rules last night.

Mr. Speaker, I agree that adding new judgeships would help address the backlog in the Federal courts; however, to do so without addressing the congestion in the Federal Bankruptcy Courts is analogous to trying to stop a hemorrhage with a Band-Aid.

It is worth noting that the other body's version of this bill would create 34 bankruptcy judge positions. It is also worth noting that one of the rejected amendments offered by our colleague, the gentleman from Georgia (Mr. KINGSTON), in the Committee on Rules last night would have created 36 new permanent and temporary bankruptcy judgeships.

□ 1030

We would have a better debate on this bill today if this body were allowed to debate the thoughtful amendments that the rule does not make in order.

Mr. Speaker, the Federal courts are hurting. Just last week, the Judicial Conference of the United States voted to delay 42 court construction projects across the country to save $225 million and to avoid laying off as many as 3,500 employees. Last year, Federal courts had to cut 1,000 jobs. The lack of staffing resources only compounds the backlog problem, and the remaining staff is grievously overworked. Even with this extreme action, the Judicial Conference reports that as many as 4,800 court clerks, probation officers and other support staff could still lose their jobs in the next year.

According to the chief judge of the bankruptcy court for the Western District of New York, the number of bankruptcy cases filed has steadily increased nearly 10 percent for each of the last 4 years. Yet despite the increased workload, the court's funding was substantially reduced over the past 2 fiscal years, and it is bracing itself for a 15 percent reduction in fiscal year 2005. Judge John Ninfo writes that ''the immediate impact is the need for the court to terminate the employment of four to five people, all of whom have served this court extremely well. The

adverse impact upon the families of those people will be substantial.''

Judge Ninfo goes on to say, ''The court anticipates the need to significantly reduce services to the bar and the public, which will cause hardship on debtors and creditors during a time that is already difficult and stressful.''

Mr. Speaker, we must do more to address the backlog in the Federal courts than simply adding new positions to the bench. We must provide the resources necessary for staffing and the efficient operation of justice. We must show more respect for the third branch. Vilifying the courts or singling out so-called activist judges is counterproductive. Certainly, stripping jurisdiction away from the courts to hear cases relating to the Pledge of Allegiance or same-sex marriage is not helpful and, I do not believe, constitutional.

The current push to strip the courts of jurisdiction when controversial decisions are issued is not novel. It has been tried before. In the 1960s and 1970s, in the aftermath of the historic decision in Brown v. Board of Education, Congress repeatedly attempted to strip the courts of the power to hear school desegregation suits or to order busing to achieve integration. More recently, it has been tried to strip courts of jurisdiction to hear challenges to laws prohibiting abortion or suits against public schools that require prayer. These shortsighted efforts raise significant balance-of-power questions and demean this austere body. Lest we forget the words of James Madison, the father of our Constitution, who two centuries ago explained that the courts are the ''impenetrable bulwark'' that transform the Bill of Rights into enforceable rights, a very important statement.

I, therefore, caution my colleagues to consider the full ramifications of court-stripping action. It does little good to have an abstract constitutional right if no court can ever enforce it.

Mr. Speaker, the bill before us today provides this body with the opportunity to take a look at the state of the judiciary. Adding new judgeships will help, but we need to do more to ensure the strength and the independence of the judicial branch, the protector of our constitutionally guaranteed rights.

Mr. Speaker, I call for a ''no'' vote on this rule.

Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. BERMAN).

(Mr. BERMAN asked and was given permission to revise and extend his remarks.)

Mr. BERMAN. Mr. Speaker, I appreciate the gentlewoman yielding me this time, and I rise very disappointed in the rule proposed for the consideration of S. 878 and intend to vote against it and urge my colleagues to oppose it.

This rule makes in order only two amendments, both offered by Republican Members. It rejects four other amendments, including one that I myself offered. There is no defensible substantive rationale for this decision. There is a political rationale that is barely defensible. While my amendment would have required a waiver, both amendments that the Committee on Rules chose to make in order also required waivers. While my amendment has not been formally considered by the Committee on the Judiciary, the committee has also not considered the amendment proposing to split the Ninth Circuit. The Committee on Rules has once again decided to stifle an open debate. To make matters worse, its rule furthers a partisan political objective to the detriment of an important policy goal.

I think the American public deserves to hear a little about the amendments that the Rules Committee does not want debated. The amendment that I sought to offer would have provided parties in a court proceeding with the opportunity to petition for an appeal of a judge's refusal to recuse himself. The amendment would have left it to the discretion of the courts to decide the appropriate circumstances in which such petitions should be granted. Unlike the judicial misconduct statute, the recusal statute currently provides no opportunity to appeal a judge's refusal to recuse himself. My amendment would have simply brought the procedures for addressing recusal and misconduct decisions into line with one another.

Chief Justice Rehnquist himself highlighted this statutory anomaly in a letter to several U.S. Senators. These Senators had expressed concern that Justice Scalia did not recuse himself from a case in which Vice President CHENEY was a named litigant. While this case was pending, Justice Scalia had taken a duck-hunting trip with the Vice President. Not only did they hunt together for several days, but Justice Scalia had traveled with the Vice President aboard Air Force Two. In a public document explaining his refusal to recuse himself from a case involving his hunting buddy, Justice Scalia wrote that he did not believe ''his impartiality might reasonably be questioned.'' In commenting on Justice Scalia's decision, Chief Justice Rehnquist noted, ''there is no formal procedure for a court review of a decision of a justice in an individual case.''

My own feelings about the propriety of Justice Scalia's refusal to recuse himself are not important. What is important, however, is the opinion of the American people. The efficacy of our court system depends entirely on the perception that the courts will administer justice impartially. If the courts lose the trust of the people, they lose their only real power. Reasonably or not, many folks around the country did question whether Justice Scalia could be impartial in a case involving a hunting buddy. It is clear that Justice Scalia's declaration of impartiality did not, in and of itself, put these questions to rest. To the extent these questions persist, our court system suffers.

The amendment I wanted to offer would have gone a long way to addressing this problem. If this amendment had been the law when Justice Scalia refused to recuse himself, the litigants in the Cheney case could have petitioned the Supreme Court to review Justice Scalia's decision. Dismissal of that petition by a panel of justices would have gone a long way to quelling questions about Justice Scalia's impartiality. Unfortunately, without such review, those questions persist; not in my mind because my guess is Justice Scalia could have gone duck hunting with my colleague from California (Mr. WAXMAN), and he would have still ruled on Vice President CHENEY's side of that case. The thought of Justice Scalia and Congressman WAXMAN duck hunting together is an interesting one. Without such a review, the questions persist in the eyes of the American people. Their persistence rots the foundation of our judicial system.

I presented my amendment to the Rules Committee because we must act before further questions arise and the public loses more confidence in the judiciary. Apparently, the Rules Committee is less concerned about this crisis in confidence than about the prospect of an uncomfortable debate.

In addition, a number of other amendments that were offered in the Rules Committee were denied: one dealing with the issue of cameras in the courtroom; one with the absence of this bill to provide the bankruptcy judges that are needed in our Federal bankruptcy system; a third dealing with the loss of COLAs by judges during the years that Congress did not pass the COLA increase for itself and the Federal judiciary, an issue which definitely impacts on the ability of the Federal courts to attract the best possible candidates for the Federal judiciary.

What it did allow was an amendment proposing to split the Ninth Circuit, at tremendous cost, against the opposition of the overwhelming majority of the Ninth Circuit justices, into three different circuits. I vigorously oppose that amendment. I will not use this time to speak on that amendment. I will speak on it when it comes up. My only point in mentioning that is one very controversial amendment that required a waiver was allowed by the Rules Committee; three other amendments which may have also been controversial and required the same kind of a waiver were denied by the Rules Committee. I think that makes for an unsatisfactory rule, and I urge opposition to it.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the American public

should know that we are addressing today the reconfiguration of Federal courts, and there are several crises that I think are abounding without the appropriate amount of time to debate this very important question.

First of all, in my own Southern District, we reported just a couple of days ago that our courts are having to lay off personnel, having to delay court decisions, and that means the access of constituents into the courthouse of justice—because of the lack of dollars that provide resources that are necessary to administer the courts—is denied. Over the years, we have attempted to increase compensation to our Federal judges, and my disappointment in the fact that the amendment offered by the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) to increase Federal judges' salaries by 16.5 percent was not allowed. Over the years, we have overlooked the increasing need for increased compensation for these judges who are lifetime appointees.

But the most egregious amendment that was allowed was to be able to divide the courts, the Ninth Circuit in particular, into three different circuits. One would think that that was done for the efficiency of justice, but I can clearly denote for those who are listening that it was really done to water down the kind of open and free decisions that are being made by the Ninth Circuit. What they are doing is, if you don't like the decisions, let's implode the court and make it into the 13th and the 12th. Here we go again trying to undermine the rendering of justice and the freedom of judges to look at the facts and to make the right decisions. I would hope that, any time we come and discuss the Constitution, the Federal court system, the Supreme Court, the district courts, the circuit courts, that we do it with an eye toward freedom and enhancing justice and opening the courts so that all petitioners might feel free to go in, and that the judges will not be intimidated by those who take offense to both lifetime appointees and the courts' decisions, and certainly we should question those who want to take and destroy the court system by their own amendments and their own views.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time. I simply want to make the point that on a party-line vote, the Rules Committee Republicans rejected making the following four bipartisan amendments in order under the rule:

The first one was offered by the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) to increase Federal judges' salary;

A Democratic amendment by the gentleman from Michigan (Mr. CONYERS) permitting Federal judges to allow photographing or televising court proceedings at their discretion;

An important amendment offered by the gentleman from California (Mr. BERMAN) that would allow a party to petition for a three-judge panel to override a Federal judge's refusal to recuse herself or himself from a case;

And the Republican amendment, a very important one, by the gentleman from Georgia (Mr. KINGSTON) to create 36 new permanent and temporary bankruptcy judges.

I think that renders this bill fairly useless, Mr. Speaker.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

The points that have been made by my colleagues on the other side, I think it is important for us to recognize that the Ninth Circuit Court of Appeals has 48 judges. That is twice the number of total judges of the next largest circuit.

□ 1045

The Ninth Circuit represents some 56 million people, roughly one-fifth of this Nation's population. And this is 25 million more people than the next largest circuit. The gentleman from Wisconsin (Chairman SENSENBRENNER), the wonderful chairman of the Committee on the Judiciary here in the House, held hearings on this subject to gain information to be able to render a reasonable observation about how important this would be; and, in fact, we do believe that addressing this problem by breaking up and adding more circuits would be beneficial, would be beneficial to not only other States and other petitioners, but also to make sure that the effective enforcement of justice was properly achieved in the United States of America.

So I am proud to say that the Committee on Rules did yesterday hear the debate about the amendments that were before us. We looked at and I believe properly rendered a decision to say that we are concerned about the number of judges, we are concerned about the way the courts look in terms of the circuit courts that are available to people for litigation, and we moved forward with a bill that I believe is balanced, one which I believe will pass, one which I believe will mirror the other body to make sure that the effective use of judges, effective use of resources, and effective legislation by the United States Congress, hopefully to be signed by President George W. Bush, will be achieved with this legislation.

I wholeheartedly support not only this legislation but would ask each of my colleagues to support this rule and the underlying legislation. And I want to thank, for his exemplary service, the gentleman from Wisconsin (Mr. SENSENBRENNER), who is the fabulous chairman of the Committee on the Judiciary, for bringing forth this bill today.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 198, nays 171, not voting 63, as follows:

[Roll No. 490]

YEAS—198

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Nussle
Osborne
Ose
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—171

Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Langevin
Lee
Levin
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Woolsey
Wu

NOT VOTING—63

Abercrombie
Alexander
Baird
Boehlert
Brown, Corrine
Buyer
Cannon
Clay
Cubin
DeMint
Doggett
Engel
Forbes
Gephardt
Goode
Greenwood
Hall
Harris
Hastings (FL)
Hinchey
Hoeffel
Hostettler
Isakson
John
Jones (OH)
Kirk
Kucinich
Lampson
Lantos
Larsen (WA)
Larson (CT)
Lewis (GA)
Lipinski
Majette
McGovern
Meeks (NY)
Millender-McDonald
Mollohan
Myrick
Napolitano
Nethercutt
Norwood
Nunes
Oberstar
Otter
Payne
Portman
Quinn
Rothman
Souder
Stenholm
Sweeney
Tauzin
Terry
Toomey
Towns
Turner (TX)
Waters
Weiner
Weldon (PA)
Wexler
Wicker
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1112

Messrs. RANGEL, PASCRELL, SCOTT of Georgia and ACKERMAN changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. NUNES. Mr. Speaker, on the legislative day of Tuesday, October 5, 2004, the House had rollcall vote No. 490. Unfortunately, I was unavoidably detained. Had I been present, I would have voted ''yea'' on the rollcall vote.

Mr. WICKER. Mr. Speaker, on rollcall No. 490 I was unavoidably detained. Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 173, not voting 53, as follows:

[Roll No. 491]

AYES—206

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—173

Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinojosa
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Woolsey
Wu

NOT VOTING—53

Abercrombie
Alexander
Baird
Boehlert
Brown, Corrine
Buyer
Cannon
Clay
DeMint
Doggett
Engel
Forbes
Gephardt
Goode
Greenwood
Hall
Harris
Hastings (FL)
Hinchey
Hoeffel
Isakson
John
Jones (OH)
Kirk
Kucinich
Lampson
Lantos
Lewis (GA)
Majette
McGovern
Meeks (NY)
Millender-McDonald
Mollohan
Myrick
Napolitano
Nethercutt
Norwood
Oberstar
Payne
Portman
Quinn
Souder
Stenholm
Sweeney
Tauzin
Terry
Toomey
Towns
Turner (TX)
Waters
Weldon (PA)
Wexler
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MILLER of Florida) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1120

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. KIRK. Mr. Speaker, today, I missed 2 votes. Had I been present, I would have voted the following way:

Yes on rollcall Vote No. 490, On ordering the previous question providing for consideration of S. 878, to authorize an additional permanent judgeship in the district of Idaho, and for other purposes.

Yes on rollcall Vote No. 491, On agreeing to H. Res. 814, providing for consideration of S. 878, to authorize an additional permanent judgeship in the district of Idaho, and for other purposes.

Mr. MCGOVERN. Mr. Speaker, I was unavoidably detained for rollcall votes numbers 487, 488, 489, 490, and 491. If I was present, I would have voted:

''Aye'' on rollcall No. 487; ''aye'' on rollcall No. 488; ''aye'' on rollcall No. 489; ''nay'' on rollcall No. 490; and ''nay'' on rollcall No. 491.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5122. An act to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1047) ''An Act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes,'' agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GRASSLEY, Mr. FRIST, and Mr. BAUCUS, to be the conferees on the part of the Senate.

The message also announced that in accordance with the return of the papers to the Senate providing for technical corrections, said corrections having been made, the Secretary be directed to return to the House (H.R. 4567) ''An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.''

The message also announced that pursuant to section 104(c)(1) of Public Law 108–199, the Chair, on behalf of the Majority Leader and Democratic Leader of the Senate, and the Speaker of the House and Minority Leader of the House, announces the joint appointment of the following individual to serve as Chairman of the Commission on the Abraham Lincoln Study Abroad Fellowship Program:

Peter McPherson.

## GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 878.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## CREATING ADDITIONAL FEDERAL COURT JUDGESHIPS

The SPEAKER pro tempore. Pursuant to House Resolution 814 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the Senate bill, S. 878.

□ 1120

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill (S. 878) to authorize an additional permanent judgeship in the district of Idaho, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BERMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Judicial Conference of the United States reviews the judgeship needs of United States courts every 2 years to determine if any of the courts need additional judges. The Conference completed its last review in March of 2003, and then submitted its recommendations to the House and Senate Committees on the Judiciary. I am pleased that the bill as reported by the Committee mirrors that recommendation. Thus, these are judgeships being created based upon demonstrated need and not upon politics.

The Judicial Conference bases its recommendations on a variety of factors that indicate the needs of various courts. Most importantly, it sets a benchmark caseload standard for considering judgeship requests at 430 weighted cases for individual judges on the district courts and 500 adjusted case filings for the three-judge panels on the courts of appeal. Aside from the numbers, it also considers additional criteria, including senior judge and magistrate judge assistance, geographical factors, unusual caseload complexity, and temporary caseload increases or decreases.

Based on these criteria, the Conference's current proposal recommends that Congress establish 11 new judgeships in four courts of appeal and 46 new judgeships in 24 district courts. The Conference also recommends that five temporary district court judgeships created in 1990 be established as permanent positions. Many of these needs have existed for many years.

The other body passed Senate 878 on May 22, 2003. The Senate bill created 12 permanent district judgeships, two temporary district judgeships, and a number of bankruptcy judgeships. This version of S. 878 also converted two temporary district judgeships to permanent status.

During our September 9 markup on the legislation, the Committee on the Judiciary revised the bill in two major ways.

First, we added all the circuit and district judgeships recommended by the U.S. Judicial Conference that were not included in the Senate bill. This brings the total number of new judgeships in the bill to 58, 11 circuit court seats and 47 district court seats. In addition, four other temporary district judgeships are converted to permanent judgeships.

The Subcommittee on Courts, the Internet, and Intellectual Property conducted an oversight hearing on Federal judgeship needs last year, and we are satisfied as a committee that the submissions developed by the Judicial Conference are meritorious. I emphasize that all the judgeships in the bill before the House could more than satisfy the threshold requirements developed by the Judicial Conference.

Second, all of the bankruptcy judgeships set forth in S. 878 as passed by the other body were stricken. These will be dealt with in the context of the bankruptcy reform legislation which the House has passed and which is currently pending before the other body.

Mr. Speaker, whatever our occasional differences with the third branch, it is our responsibility to ensure that our Federal courts have the resources necessary to allow citizens to seek legal redress in civil disputes and to permit the prosecution of criminal offenses when appropriate. This is a basic function of government.

I urge the Members to support the underlying text of S. 878, as well as the amendment that I will shortly offer to ensure that this bill does not run afoul of the Budget Act, based on the CBO score that accompanies this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in conditional opposition to S. 878. The reason I would oppose this bill is if the amendment offered by the gentleman from Idaho is passed by this body.

I firmly believe we should pass a judgeship bill, and I supported it, Senate bill 878, as it was reported out by the House Committee on the Judiciary. The reported bill created all new Article 3 judgeships requested by the Administrative Office of the U.S. Courts. As a result, it would provide critical assistance to many Federal district