

(e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel, covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed with the Chairman no later than sixty days following completion of the travel for use in complying with reporting requirements in applicable Federal law, and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, and as promulgated from time to time by the Chairman.

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

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE RULES OF THE COMMITTEE ON THE BUDGET, 108TH CONGRESS

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

Mr. NUSSLE. Mr. Speaker, pursuant to Rule XI, Clause 2 of the Rules of the House of Representatives, I respectfully submit the rules of the Committee on the Budget for the 108th Congress for publication in the CONGRESSIONAL RECORD.

RULES OF THE COMMITTEE ON THE BUDGET UNITED STATES HOUSE OF REPRESENTATIVES, 108TH CONGRESS—ADOPTED FEBRUARY 4, 2003

GENERAL APPLICABILITY

Rule 1—Applicability of House Rules

Except as otherwise specified herein, the Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

MEETINGS

Rule 2—Regular meetings

(a) The regular meeting day of the committee shall be the second Wednesday of each month at 11 a.m., while the House is in session.

(b) The Chairman is authorized to dispense with a regular meeting when the Chairman determines there is no business to be considered by the committee. The Chairman shall

give written notice to that effect to each member of the committee as far in advance of the regular meeting day as the circumstances permit.

(c) Regular meetings shall be canceled when they conflict with meetings of either party's caucus or conference.

Rule 3—Additional and special meetings

(a) The Chairman may call and convene additional meetings of the committee as the Chairman considers necessary, or special meetings at the request of a majority of the members of the committee in accordance with House Rule XI, clause 2(c).

(b) In the absence of exceptional circumstances, the Chairman shall provide written notice of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least three days in advance when Congress is not in session.

Rule 4—Open business meetings

(a) Each meeting for the transaction of committee business, including the markup of measures, shall be open to the public except when the committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2(g)(1).

(b) No person other than members of the committee and such congressional staff and departmental representatives as the committee may authorize shall be present at any business or markup session which has been closed to the public.

Rule 5—Quorums

A majority of the committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

Rule 6—Recognition

Any member, when recognized by the Chairman, may address the committee on any bill, motion, or other matter under consideration before the committee. The time of such member shall be limited to five minutes until all members present have been afforded an opportunity to comment.

Rule 7—Consideration of business

Measures or matters may be placed before the committee, for its consideration, by the Chairman or by a majority vote of the members of the committee, a quorum being present.

Rule 8—Availability of legislation

The committee shall consider no bill, joint resolution, or concurrent resolution unless copies of the measure have been made available to all committee members at least four hours prior to the time at which such measure is to be considered. When considering concurrent resolutions on the budget, this requirement shall be satisfied by making available copies of the complete Chairman's mark (or such material as will provide the basis for committee consideration). The provision of this rule may be suspended with the concurrence of the Chairman and Ranking Minority Member.

Rule 9—Procedure for consideration of budget resolution

(a) It shall be the policy of the committee that the starting point for any deliberations on a concurrent resolution on the budget should be the estimated or actual levels for the fiscal year preceding the budget year.

(b) In the consideration of a concurrent resolution on the budget, the committee shall first proceed, unless otherwise determined by the committee, to consider budget aggregates, functional categories, and other

appropriate matters on a tentative basis, with the document before the committee open to amendment. Subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters, which have already been amended in their entirety.

(c) Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

Rule 10—Roll call votes

A roll call of the members may be had upon the request of at least one-fifth of those present. In the apparent absence of a quorum, a roll call may be had on the request of any member.

HEARINGS

Rule 11—Announcement of hearings

The Chairman shall make a public announcement of the date, place, and subject matter of any committee hearing at least 1 week before the hearing, beginning with the day in which the announcement is made and ending the day preceding the scheduled hearing unless the Chairman, with the concurrence of the Ranking Minority Member, or the committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the Chairman shall make the announcement at the earliest possible date.

Rule 12—Open hearings

(a) Each hearing conducted by the committee or any of its task forces shall be open to the public except when the committee or task force, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, or would compromise sensitive law enforcement information, or would tend to defame, degrade, or incriminate any person, or would violate any law or rule of the House of Representatives. The committee or task forces may be the same procedure vote to close one subsequent day of hearing.

(b) For the purposes of House Rule XI, clause 2(g)(2), the task forces of the committee are considered to be subcommittees.

Rule 13—Quorums

For the purpose of hearing testimony, not less than two members of the committee shall constitute a quorum.

Rule 14—Questioning witnesses

(a) Questioning of witnesses will be conducted under the five-minute rule unless the committee adopts a motion pursuant to House Rule XI clause 2(j).

(b) In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member may be recognized first, after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 15—Subpoenas and oaths

(a) In accordance with House Rule XI, clause 2(m) subpoenas authorized by a majority of the committee may be issued over the

signature of the Chairman or of any member of the committee designated by him, and may be served by any person designated by the Chairman or such member.

(b) The Chairman, or any member of the committee designated by the Chairman, may administer oaths to witnesses.

Rule 16—Witnesses' statements

(a) So far as practicable, any prepared statement to be presented by a witness shall be submitted to the committee at least 24 hours in advance of presentation, and shall be distributed to all members of the committee in advance of presentation.

(b) To the greatest extent possible, each witness appearing in a nongovernmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or sub-grant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

PRINTS AND PUBLICATIONS

Rule 17—Committee prints

All committee prints and other materials prepared for public distribution shall be approved by the committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the committee.

Rule 18—Committee publications on the Internet

To the maximum extent feasible, the committee shall make its publications available in electronic form.

STAFF

Rule 19—Committee staff

(a) Subject to approval by the committee, and to the provisions of the following paragraphs, the professional and clerical staff of the committee shall be appointed, and may be removed, by the Chairman.

(b) Committee staff shall not be assigned any duties other than those pertaining to committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

(c) All committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official committee records, leave, and hours of work.

(d) Notwithstanding paragraphs a, b, and c, staff shall be employed in compliance with House rules, the Employment and Accountability Act, the Fair Labor Standards Act of 1938, and any other applicable Federal statutes.

Rule 20—Staff supervision

(a) Staff shall be under the general supervision and direction of the Chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House rule X, clause ((c)) and job titles, and, at his discretion, arrange for their specialized training.

(b) Staff assigned to the minority shall be under the general supervision and direction of the minority members of the committee, who may delegate such authority, as they deem appropriate.

RECORDS

Rule 21—Preparation and maintenance of committee records

(a) A substantially verbatim account of remarks actually made during the proceedings shall be made of all hearings and business meetings subject only to technical, grammatical, and typographical corrections.

(b) The proceedings of the committee shall be recorded in a journal, which shall among other things, include a record of the votes on

any question on which a record vote is demanded.

(c) Members of the committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof, except that any changes shall be limited to technical, grammatical, and typographical corrections.

(d) Any witness may examine the transcript of his own testimony and make grammatical, technical, and typographical corrections.

(e) The Chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for correction, and that further delay would seriously impeded the committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

(f) Transcripts of hearings and meetings may be printed if the Chairman decides it is appropriate, or if a majority of the members so request.

Rule 22—Access to committee records

(a)(1) The Chairman shall promulgate regulations to provide for public inspection of roll call votes and to provide access by members to committee records (in accordance with House Rule XI, clause 2(e)).

(2) Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and staff of the Office of Official Reporters who have appropriate security clearance.

(3) Notice of the receipt of such information shall be sent to the committee members. Such information shall be kept in the committee safe, and shall be available to members in the committee office.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

OVERSIGHT

Rule 23—General oversight

(a) The committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject of which is within its jurisdiction.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under clause (1)(d) of Rule X of the Rules of the House, and, subject to the adoption of expense resolutions as required by clause 6 of Rule X, to incur expenses (including travel expenses) in connection therewith.

(c) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform in accordance with the provisions of clause (2)(d) of House Rule X.

REPORTS

Rule 24—Availability before filing

(a) Any report accompanying any bill or resolution ordered reported to the House by the committee shall be available to all committee members at least 36 hours prior to filing with the House.

(b) No material change shall be made in any report made available to members pur-

suant to section (a) without the concurrence of the Ranking Minority Member or by a majority vote of the committee.

(c) Notwithstanding any other rule of the committee, either or both subsections (a) and (b) may be waived by the Chairman or with a majority vote by the committee.

Rule 25—Report on the budget resolution

The report of the committee to accompany a concurrent resolution on the budget shall include a comparison of the estimated or actual levels for the year preceding the budget year with the proposed spending and revenue levels for the budget year and each out year along with the appropriate percentage increase or decrease for each budget function and aggregate. The report shall include any roll call vote on any motion to amend or report any measure.

Rule 26—Parliamentarian's Status Report and Section 302 Status Report

(a)(1) In order to carry out its duty under sections 311 and 312 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the committee shall advise the Speaker on at least a monthly basis when the House is in session as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

(2) The committee authorizes the Chairman, in consultation with the Ranking Minority Member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b)(1) In order to carry out its duty under sections 302 and 312 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the jurisdiction of committees as compared to the appropriate allocations made pursuant to the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the committee and transmitted to the Speaker in the form of a Section 302 Status Report.

(2) The committee authorizes the Chairman, in consultation with the Ranking Minority Member, to transmit to the Speaker the Section 302 Status Report described above.

Rule 27—Activity report

After an adjournment of the last regular session of a Congress sine die, the Chair of the committee may file any time with the Clerk the committee's activity report for that Congress pursuant to clause (1)(d)(1) of rule XI of the Rules of the House without the approval of the committee, if a copy of the report has been available to each member of the committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

MISCELLANEOUS

Rule 28—Broadcasting of meetings and hearings

(a) It shall be the policy of the committee to give all news media access to open hearings of the committee, subject to the requirements and limitations set forth in House Rule XI, clause 4.

(b) Whenever any committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, or by any

of such methods of coverage, in accordance with House Rule XI, clause 4.

Rule 29—Appointment of conferees

(a) Majority party members recommended to the Speaker as conferees shall be recommended by the Chairman subject to the approval of the majority party members of the committee.

(b) The Chairman shall recommend such minority party members as conferees as shall be determined by the minority party; the recommended party representation shall be in approximately the same proportion as that in the committee.

Rule 30—Waivers

When a reported bill or joint resolution, conference report, or anticipated floor amendment violates any provision of the Congressional Budget Act of 1974, the Chairman may, if practical, consult with the committee members on whether the Chairman should recommend, in writing, that the Committee on Rules report a special rule that enforces the Act by not waiving the applicable points of order during the consideration of such measure.

UPDATE ON CUBA'S PROJECT
VARELA

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

Mr. PALLONE. Mr. Speaker, in May of 2002, over 11,000 Cuban citizens took a courageous stand and petitioned the Cuban National Assembly to hold a nationwide referendum vote on guarantees of human rights and civil liberties. Named for the 19th century priest and Cuban independence hero, Padre Felix Varela, the Varela Project was the first-ever peaceful challenge to Castro's four-decade-long control of the island.

With its 11,000-plus signatures, the project qualified under article 88 of the Cuban constitution, which states that if the Cuban National Assembly receives the verified signatures of 10,000 legal voters, a referendum on the issue should be scheduled. Varela was the first-ever attempt to try and work within the system to bring about change in Cuba.

Not surprisingly, Mr. Speaker, instead of allowing his parliament to consider Project Varela, Fidel Castro introduced his own so-called "referendum" that would stop future consideration of Project Varela and any other democratic reform efforts. Then, late last month, a Cuban legislative committee threw out the project, officially putting an end to Varela's hopes for peaceful reform.

Despite this, Mr. Speaker, the project is far from over. The true aim of the project was not to win political support, but to bring hope to the Cuban people that peaceable change is possible. Oswaldo Paya and Varela's other organizers have worked to educate the Cuban people citizen by citizen and bring the struggles of the Cuban people to the world stage. It is my hope that many of my colleagues will support this project and it will continue.

Mr. Speaker, I would like to conclude with one final note. In response to

questions regarding the future of the Varela project, Varela's organizer Oswaldo Paya said only, "Our Varela Project continues. It's a campaign to inform the Cuban people and we will continue until all Cubans achieve their rights." I want to commend those involved in Project Varela, that they continue for a long time.

SUPPORTING NOMINATION OF
MIGUEL ESTRADA

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

Mr. BEAUPREZ. Mr. Speaker, like many Members of this Chamber, I have often spoken with fond affection of my grandfather, a gentleman who came to the United States as an immigrant from Belgium. He did not speak the language. He spoke Flemish. In spite of his limitations, not only did he not speak English, he basically had no formal education, he embraced this country and he embraced what we all call the American dream. I am very, very grateful to that immigrant from Belgium, my grandfather, for clinging to that dream, fostering that dream, instilling that dream in me and many other of my family members and people he came in contact with over his extended life.

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It is what America is all about. I rise tonight to talk about someone who instills those same values, those same characteristics, that same American dream: Mr. Miguel Estrada.

Mr. Estrada came to the United States of America as a teenager from Honduras. He did not speak our language. In spite of that, shortly thereafter Mr. Estrada found himself graduating Phi Beta Kappa from Columbia College in New York, later from Harvard Law School where he was also editor of the Harvard Law Review. As this Chamber knows full well, Mr. Estrada has been nominated to serve on the United States Court of Appeals for the District of Columbia. Mr. Estrada is currently serving as a partner in a prestigious Washington, D.C. law firm. He is very accomplished. He has formerly served as assistant United States Solicitor General during the Bush and Clinton administrations from 1992 to 1997, assistant U.S. Attorney and deputy chief of the appellate section for the U.S. Attorney's Office for the Southern District of the State of New York. Mr. Estrada argued 15 cases before the United States Supreme Court, both criminal and civil. He tried ten cases as a prosecutor and argued seven cases before the U.S. Court of Appeals for the second circuit as assistant U.S. Attorney, again for the Southern District of the State of New York. Mr. Estrada's credentials and achievement as a jurist are almost unprecedented, certainly well qualified for the Federal bench.

I would like to cite for the record what others are saying about Mr. Estrada. The American Bar Association rates Estrada as "well qualified." Ron Klain, former counsel to Vice President Gore had this to say: "I have no doubt that on the bench Miguel will faithfully apply the precedence of his court and the Supreme Court without regard, without regard," without regard, "to his personal views or his political perspectives. His belief in the rule of law, in a limited judiciary, and in the separation of powers is too strong for him to act otherwise."

Lastly, Mr. Speaker, here is what Raphael Santiago, national president of the Hispanic National Bar Association had to say: "Mr. Estrada's distinguished and impressive career illustrates the promise and opportunity that America offers to all immigrants, especially Hispanic immigrants . . . Mr. Estrada's confirmation will break new ground for Hispanics in the judiciary. The time has come to move on Mr. Estrada's nomination."

Mr. Speaker, I second those comments and look forward to the day that Miguel Estrada is a member of the Federal bench of the U.S. Court of Appeals representing the District of Columbia.

SUPPORTING THE NOMINATION OF
MIGUEL ESTRADA

The SPEAKER pro tempore (Mr. MURPHY). Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I also stand to support the nomination of Mr. Miguel Estrada. We just heard his incredible qualifications as a lawyer, a person who has lived the American dream, who came to this country as a teenager barely speaking a word of English but through his work, his hard work, his dedication, bettered himself to become a highly respected attorney in society.

Mr. Speaker, some of those now objecting to his confirmation have not been able to find one good reason in over a year that this process has taken place, one good reason why Mr. Estrada should not be on the bench, and yet we have heard a number of discussions d'jour about why Mr. Estrada should not be there. I want to mention some of those, Mr. Speaker, that I think are rather, frankly, amusing if I may say. Some have actually said that Miguel Estrada has never served as a judge before; therefore, he is not qualified to hold this position in this prestigious court. But, Mr. Speaker, five out of the eight judges in that same court where Mr. Estrada has been nominated by this President also never had judicial experience in the past. Why was it okay for them to not have that experience and why is it not okay for this Hispanic brilliant attorney, why does he have to have experience that the other five did not have, Mr. Speaker? I do not know. It begs the question.