you protect and understand the rights of the minority, the majority will always be well served.

FAIRNESS TO MIGUEL ESTRADA AND TO ARMED FORCES

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under the Speaker's announced policy of January 7, 2003, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Madam Speaker, it is great to be here. And I am always so proud to have an opportunity to come down on the floor of the United States Congress and have an opportunity to debate topics of the day, and I do so with great respect to anybody who has the opposing view.

Madam Speaker, I notice my friend, the gentleman from California (Mr. CUNNINGHAM) is here. Maybe he is going to join in. He is going to be talking about aviators later on.

I do want to say a few comments on a number of topics. One of the things I want to talk about this Miguel Estrada nomination is, I think, it is ironic that here we are, we have the guy who has been rated was one of the most highly qualified by the American lawyers, by the American Bar Association. Here is a guy who graduated from Harvard magna cum laude, editor of the Law Review. He has argued 15 cases before the Supreme Court, and yet our Democrat colleagues and liberal colleagues are so offended by his success that they are holding him up in the face of war, troops overseas, national security, and economy that is in the tank.

How absurd is it, Madam Speaker? I wanted to give you this. The liberal Democrats over in the Senate have objected and we want to give you some hours, 6 hours of debate was not enough. That was on February 6. So they went to 8 hours.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members to avoid improper references to the Senate.

Mr. KINGSTON. Madam Speaker, liberal Democrats did not want to debate it for 10 hours so they went to 12 hours. That was not enough. So the next day on February 11 they went to 6 hours. It was not enough. They went to 14, then 24 hours, then 44 hours, and then on the 12th 6 hours.

PARLIAMENTARY INQUIRY

Mr. KINGSTON. Madam Speaker, I am not allowed to say U.S. Senate?

The SPEAKER pro tempore. The gentleman may refer to the existence of the Senate, but may not characterize Senate action or inaction.

Mr. KINGSTON. So you have this other body and they have already spent 85 hours debating a guy who the American Bar Association has rated as one of the most highly qualified. He has worked under the Clinton administration. He has worked under, I think, even the Carter administration. This guy came to America when he was 17 years old. He was raised in Honduras, did not speak any English. He graduates from Harvard. He is a distinguished lawyer by anybody's measure. And the only thing the Democrats want to do is debate him. Bush wants to put in his own team. We have a war going, but this is the number one issue now for the liberal Democrats.

Madam Speaker, I yield to my friend from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Madam Speaker, I thank the gentleman for yielding.

I have got better things to do than stay up at night and watch C–SPAN. But I was captivated. I watched the gentleman from the other body debate this issue. The other body Democrats stood up and said, well, he never answered the questions. The gentleman from Ohio who was not even at the meeting, he was there for a few minutes and left, did submit questions at the end, said he never answered the questions. The Chairman of the Judiciary in the other body stood up and read every single one of the questions that the Democrats asked for.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman may not refer to individual Senators.

Mr. CUNNINGHAM. I did not think I did.

Anyway, someone over there asked for every question. And every response that Mr. Estrada gave was presented. They were A-plus answers. And now my colleagues on the other side, I just asked the gentleman, I said, did you invite any outside people within this caucus to listen to Mr. Estrada? Of course not. The answer is no.

The memo to the other body was written before the caucus meeting ever took place.

We are watching the same thing as we did in the Clinton, what is the word I am looking for?

Mr. KINGSTON. Investigation.

Mr. CUNNINGHAM. Investigation. We are watching them gang up. They are being good little soldiers, supporters, the other body.

Every paper, The San Diego Union, The San Francisco Chronicle, The Washington Post, The Washington Times editorializes against their position. They have drawn a line in the sand against someone that may be a little more conservative than they are.

Mr. KINGSTON. It is ridiculous, though, because as I understand it, most Hispanic and Latino national organizations have endorsed Estrada. And yet our friend from Florida (Mr. MARIO DIAZ-BALART) says, Well, his big problem is he is not Hispanic enough.

Now this is from a guy who is raised in Honduras, but he is not Hispanic enough for the liberals. As the gentleman also said, they do not even know how to speak Spanish themselves but they are telling somebody else that he is not Hispanic enough.

The reality is, this is a very strong guy but they cannot stand the fact that there might be a minority group getting off the plantation. And that is the reality of it. It is a sad, sick commentary.

Mr. CUNNINGHAM. It is very sad.

Watching C–SPAN, I watch the other side in the other body point by point come out and accuse Republicans. And every single point was countered by the chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds the gentleman not to characterize Senate action.

Mr. KINGSTON. I guess the problem though really is what is his crime? The crime is he is Hispanic and in the liberal welfare support society out there, if you are a minority group in America, you are supposed to think and act in a certain way, and if you do not, by golly, look what happens.

My friend, Clarence Thomas from Sandfly, Georgia, he went through the same living hell and personal accusations and everything else because he was an African American and did not believe in everything that he was told he was supposed to believe in. His problem was he was an independent thinker. And I guess Estrada is an independent thinker who does not look to liberal institutions to tell him how he is supposed to think and behave and that is what this is about.

Mr. CUNNINGHAM. I think it is very telling that most of the other Hispanic associations are endorsing this individual, but our House caucus is opposing it. Why?

The gentleman over there a minute ago mentioned that memoranda was not available. Well, again, the other body presented all of the facts that none of the confidential memoranda, not once in the history of confidential memoranda had ever been released. Well, the Democrats in the other body came forward and said, well, here is a case in this and here is a case where it was released in these individuals. Again, in the other body's side they pointed out that none of this memoranda was confidential. And so for my Democratic colleagues over here in their partisan bid to support the other body, it is just wrong when the rest of the world is saying you are wrong. At least let them vote.

And something else that the other body pointed out was that they opposed at different times Hispanic candidates. That is fair. But at least let it come to a vote. The two that they opposed are now sitting on the Ninth Circuit Court in California because they allowed a vote. What my colleagues are doing by filibustering is preventing totally a vote on this issue which has never been done in the history of Congress.

Mr. KINGSTON. And I agree with the gentleman. By golly, vote yes, vote no, but have the guts enough to vote. Do not hide behind parliamentary procedures.

One of the charges against Mr. Estrada is that he does not have judicial experience, and yet I believe there

are eight judges on this court, and 5 of them did not have it. And incidentally, many of those came through some of these same liberals who are opposing him now and they voted to support these folks. On the Supreme Court, we have Byron Wright, and we have the Chief Justice Rehnquist, who did not have judicial experience.

But we know how it is, if you oppose something you can come up with any reason you want.

I wanted to jump into something because I think it is very important for the President, whoever it is, to be able to get his own team in place and try to get some good people on the judicial benches, but we have a war going on. Very serious issues in front of us.

The gentleman here is a former top gun. He was the inspiration for the movie Top Gun. He has been out there on the frontline. He is a great advocate for the military.

I am wearing, I do not know if the gentleman can see it from where he is standing, a Third Infantry Division patch which was given to me by the wives who have been left behind in Hinesville, in Savannah and coastal Georgia.

Mr. CUNNINGHAM. Are these Army guys? I am a Navy guy.

Mr. KINGSTON. I know the gentleman is a Navy guy, but right now there is just not that much water in Iraq.

We have from Fort Stewart alone, nearly 18,000 troops who are deployed. Lots of mothers, some fathers, and lots of children left behind while these troops are gone. We in the House are passing an important tax relief bill tomorrow to give them a little breathing room, and I wanted to ask the gentleman as a guy who has been out there, who had to leave behind, this bill that we are going to pass gives them some capital gains tax relief, gives them a death gratuity tax relief, some dependent care tax relief.

Basically it gives the soldiers just a little more wiggle room and a few more tax benefits while they are out there fighting for our freedom. And I do not really want to ask the gentleman about the technical part of the tax bill which, of course, he is welcome to speak on; but as a man in uniform, tell me what this means to you out there on the front line? Is this important at all or does this send a signal? What is your feeling?

□ 1630

Mr. CUNNINGHAM. Mr. Speaker, first of all, it is important when a person is gone, either men or women, from their families, knowing that their families are taken care of is very, very important; knowing that the financial burdens are taken care of; that their children are able to go to school and get a good education or, in the case something I oppose what the President is doing is reducing impact aid, which I think is wrong, and we are going to rectify that in this body.

But they want to know that everything is okay back home. I cannot tell my colleague how stressful it is for a sailor on an aircraft carrier to learn that his wife has gone into indebtedness or has problems with the children; and he cannot be there to take care of them, and tax relief for families, especially in the military that are forced to uproot every 2 years, that cannot make an investment, that have to take their children out of schools and put them into a new school or the spouse cannot get a job because an employer will not hire her if she is only there for a short time. This kind of tax relief helps put money in their pockets to resolve some of these issues.

Mr. KINGSTON. So there is a practical side to it and a moral side. It is a pat on the back saying we cannot be there.

Mr. CUNNINGHAM. And a heartfelt side.

Mr. KINGSTON. But we really appreciate what they are doing.

I think it is so important for these wives and the families in my area, and I know in California that the gentleman has lots who are deployed, same thing.

Mr. Speaker, switching gears slightly, I always pick up the paper here, and one would think that it is the United States and Tony Blair, not the United States and Great Britain, but just Tony Blair, oh, and Jack Straw; but one would think it is just a couple of us out there fighting Saddam Hussein.

Here is a list of countries: Albania, Angola, Australia, Bahrain, Britain, Bulgaria, Cameroon, Chile, Croatia, Czech Republic, Denmark, Estonia, Guinea, Hungary, Ireland, Israel, Italy, Japan, Kuwait, Lithuania, Macedonia, Oman, Poland, Portugal, Saudi Arabia, Slovakia, Slovenia, Spain, Turkey, United Arab Emirates, Uzbekistan, and Yemen who have all expressed support of the Bush policies towards Iraq.

Why is that not in the paper? And in my colleague's opinion, is it important for us to wait out the U.N.? I think we are on number 17 in terms of resolutions now. Keep in mind, the very first resolution going back to April 1991 called for disarmament within 90 days; and it did not say, and we are having to come prove the case against you, it says you have got to show us that you have disarmed. What is the gentleman's view?

Mr. CUNNINGHAM. Well, if my colleague takes a look at the number of people at coalitions that are supporting the President, it is overwhelming. I think we also need to realize that many of the Middle East nations that are actually helping us, that helped us catch KSM just this week, they are helping us: Indonesia, Egypt, Saudi Arabia. These countries have been sterling.

Yes, there is an issue with bases, but remember that these nations live at the back door of Saddam Hussein. Let us say that we did not go into Iraq and allowed Saddam Hussein to persevere once again. Can the gentleman imagine the risk that that puts these Arab nations in by coming out ahead of time? And I will tell my colleague that these nations will be with us when we go into Iraq, either to disarm Saddam Hussein or he disarms himself.

Two real quick issues I think are important and I thank the gentleman for yielding. One critic says that let us look at the cost that it would cost. 9–11 cost New York $200 billion, another $83 billion in lost revenue while we were rebuilding New York. Look across the Nation. Look at the services. Look at the travel industry. Look at the airline industry. Look at the hotels and think about the devastation of our economy and how that hurt. So the cost of going in there is going to be far less than when al Qaeda hits the United States again.

The second complaint they say, well, look at the innocent Iraqis that are going to be hurt. First of all, we will not target innocent Iraqis. There will be collateral damage, as in any conflict; but they will not be targeted, and I would go back from the time that Saddam Hussein was the XO, the executive officer per se, the president stepped down. He called an emergency session of his Congress. He had a witness stand up at a mike like this one and call off 250 names. They were marched out and shot that day. Think of the thousands of Kurds that he has killed. Think of the Shiites that he has killed and his own people that will be killed if we do not go in there.

We will hurt less people in this conflict than Saddam Hussein will in the future. We are not going in there to annex Iraq. Look at Afghanistan, what we have done in there. We did not go in to invade it. We went in to free the people, and this is what we are going into Iraq for.

Mr. KINGSTON. That is interesting that the gentleman raises that point. Having been to Afghanistan, I went over there a year ago and met with Mr. Karzai and folks from the Northern Alliance who were starting to form this new government. If there was ever a country that would have welcomed American colonization, it would have been Afghanistan. If that is what we were after, we could have done that; and we would not have to wait until this time.

I am glad the gentleman mentioned, though, the hatred and the madness of Saddam Hussein. I am an Episcopalian, and every Sunday my minister Bart Robertson gives an admonishment to us, Make no peace with oppression. Why Americans would want to make peace with oppression is beyond me, but I wanted to read some things to the gentleman that he has kind of already mentioned.

Between 1983 and 1988, Saddam Hussein murdered more than 30,000 Iraqi citizens with mustard gas and nerve agents. Human rights organizations have continually received reports from women who say that rape is routinely

used by Iraqi officials for the purposes of torture, intimidation, and blackmail.

In 2000, Iraqi authorities introduced tongue amputation as punishment for persons who criticize Saddam Hussein.

Human Rights Watch and Amnesty International estimates that Iraq has between 70- and 150,000 people who are unaccounted for. That is the most of any nation in the entire world.

The mass executions are a choice of Saddam Hussein. Since 1997, it is estimated that 3,000 people have been killed in Saddam Hussein's various cleansing methods. In February 1998, 400 prisoners were executed. Two months later, 100 detainees in another prison were buried alive in a pit; and since September 11, Saddam Hussein has expelled six U.N. humanitarian relief workers without explanation.

That is the kind of guy we are dealing with; and what is really sad, if France and Germany and the blame-America-first crowd here win and America backs down because Saddam Hussein has been perceived as backing us down, none of us will be safe from terrorism.

Mr. CUNNINGHAM. Mr. Speaker, would the gentleman yield?

Mr. KINGSTON. Absolutely.

Mr. CUNNINGHAM. Mr. Speaker, I think it is important for the people to understand France. In France the conservative party is in the minority. The Socialists took over. They have joined with the Communist Party to have a majority. So the French parliament is a Socialist-Communist coalition. That is like having a Socialist on the other side here stand up and offer our position nationally.

Secondly, Chirac wants the United States out of NATO. He wants to be the leading power in Europe; and to do that, he puts down NATO and wants the United States out of there and builds up the EU. That is critical.

Thirdly, the French have been the whoremongers of the weapons market around the world. When I trained at Navy Fighters Weapons School, Top Gun, every nation we potentially stood to fight was carrying Matra Magic 550s and French missiles. We would have had to fight those, and if my colleague takes a look at what the French are doing with Iraq economically, I think they are afraid that we are going to find out exactly that they are supplying Iraq with chemicals, with weapons, with different things.

Mr. KINGSTON. Let me ask the gentleman from California, in California, they have some very good wines, and in Georgia we have Chateau Elan, which is also a good wine, and of course, there are a lot of wines.

Mr. CUNNINGHAM. Mr. Speaker, I took the Grey Poupon out of my cupboard, and I do not think, what is the vodka that they have? Not Absolute. But there is a vodka. Anyway, I have asked our people to do away with it.

Mr. KINGSTON. Well, the gentleman might want to look it up on the Internet. At fromage, which is the French word for cheese, F-R-O-M-A-G-E, .com, it is a French cheese distributor, and they are down 15 percent. I recommend to everybody, look up fromage.com, see what their products are and continue the boycott.

I think we should also boycott the Paris air show. I think we should discontinue drinking their wine and champagnes and anything else; and, hey, I am not even anti-French.

Mr. CUNNINGHAM. It is called Grey Goose vodka.

Would the gentleman yield for one other point on that?

Mr. KINGSTON. Yes.

Mr. CUNNINGHAM. Many of the people say, well, it is a fight for oil, blood for oil. I have recommended to the President that after Saddam Hussein is removed and we have a democratic regime in Iraq, let the Iraqi people keep the oil. Let them have 100 percent control; but for those nations that helped liberate it, let them for a time sell those nations oil at a reduced price, not to make a profit but just to help the economy so it is not affected like Turkey and the United States and the coalition. But I want to tell my colleague, there is going to be a penalty for France, Germany, and Russia. We will still have diplomatic relations. We will still try to have good relations with them, but those nations that choose not to join in liberating Iraq, I personally believe there ought to be some dire consequences.

Mr. KINGSTON. Mr. Speaker, I agree and I want to get off France for a minute. France is looking after their own national interests.

Let us talk about oil. That is the country that is making this a war over oil because they are the one with all the sweetheart deals with Iraq for oil supply; but look at our items that we buy that are French, and if we choose so, do not eat them.

Let us talk about Germany. My colleague and I do a lot of work for our military, and in my district we have five military installations. Big fear in Georgia right now, 13 total, is BRAC, base realignment and closure commissions. Do we need a military base in Germany with countries like Bulgaria and the emerging, less affluent countries that are strategically better located anyhow? But they are dying for our business because let me say this. If Moody Air Force Base or Fort Stewart or Robbins get on the BRAC list, people in Georgia are going to be nonstop scurrying around trying to get them off the BRAC list as they did last time, as will happen all over the world, all over the country; but meanwhile, we have got bases in Germany. If that is not 100 percent America's interests, then maybe we ought to move those bases. What does my colleague think?

Mr. CUNNINGHAM. Mr. Speaker, what I would say to the gentleman is I would defer to the Pentagon. There are certain bases around the world that we need to maintain, not just for their security but for our own security as well. If we have to have launching pads for another conflict sometime, we may need those bases; and I would defer those determinations to the Pentagon and to a study that says what do we actually need. But if we do not need it and we are there at the cost of the American taxpayers and not supporting the United States' best interests, then I would go along with the gentleman on it.

Can I make one other point about when the gentleman, the nerve gas and mustard gas? When Saddam Hussein used nerve and mustard gas against these people, it was not just the 30,000 that were killed. There are 10 times that many that have permanent defects. Nerve gas, there are thousands of people, Kurds and Shiites that cannot even walk today because nerve gas affects not only their internal systems, but their children and their children's children will be affected because it affects the chromosomes and the genetic make-up.

So we are not looking at just a small group. We are looking for centuries that these people are going to be affected by the nerve gas that Saddam Hussein released on them.

□ 1645

Mr. KINGSTON. I thank the gentleman for bringing that out, and I also wanted to say that it is important for us, for these soldiers, not just to pass the tax relief for them personally as a soldier in the field. I mean, it is, of course, very important and paramount that we support the war effort, but the other thing we can do for the soldiers is to improve the economy domestically. I am proud that this administration, while fighting the war on the international and domestic front in terms of homeland security, are also trying to turn the economy around and address so many of the critical issues in our economy.

President Bush has proposed a tax bill, which we will be voting on very soon in the House, that reduces some of the tax rates. Now, that has already been approved by this House. It is just that it phases in and phases out in 10 years. We are saying if it was good enough for last year's election purposes, from the liberal standpoint, then let us go ahead and put them on the books permanently.

The Bush plan also stops the double taxation on savings. As the gentleman knows, if you buy a stock and you are paid a dividend from that stock, you pay taxes on it. The corporation has already paid taxes, so you are being taxed twice on your savings. This tax bill stops that. It also gives small businesses an expensing item so that they can buy new equipment and write off about $75,000 of it. Seventy percent of the jobs in America come from small businesses. We have to worry about the small businesses, the small Main Street folks, and this bill does address that.

It also helps those who are unemployed, like my paper mill workers down in Camden County, Georgia, who work for the Durango Paper Mill that closed up. This will give them some unemployment help, but it will also help them create a personal employment account, and that gives them some discretionary money for some of their short-term expenses until they get a job. And once they get a job, they get to pocket the difference. That helps them move down the road. And the ultimate idea also is that it would shorten some of the time period people actually need unemployment. It gives everybody incentive. It is a win-win.

I am excited about this tax plan because I think it is so important, along with ending this conflict in Iraq. It is very important for us to stimulate the economy. And to show the kind of money it would put on the streets, 92 million taxpayers would get $1,083. And this is basically immediately. It has what Steven Friedman, one of the economic advisers to President Bush, calls a near-term lift, an immediate near-term lift. This is not something that is going to happen down the road, but this will have a very positive effect on the economy and job creation. Thirty-four million families would get $1,473. Six million single mothers would get $541, and 13 million seniors $1,384. That is money in their pocket this year, right now.

Mr. CUNNINGHAM. We hear over and over again from the other side that any tax, and I mean no matter what tax relief we have brought up in the 12 years I have been here, the other side talks about it being tax relief for the rich. From $5,000 to $30,000, you get a 20 percent tax relief. Twenty percent. If you earn above $200,000, you only get 11 percent tax relief. So the percentage of who gains the most out of it goes with the lower income. But my colleagues will say it is only for the rich. Why? Mathematically, if you pay $1,000 in taxes, you are not going to get as much money back as someone who pays $10,000 in taxes. You will get more money back, but you have not put that money in there in the first place.

My colleagues like to do that so that their base will think, oh, Republicans are only doing it for the rich. It is just not true.

Mr. KINGSTON. Well, and it really is so fundamental. We have all heard the old expression, why do you rob banks? Because that is where the money is. Why do the people who pay the taxes get tax relief? Because they are the ones paying taxes. It is not that hard.

These are some numbers according to the IRS. The top 1 percent of all income taxpayers pay nearly 37 percent of all taxes. That is the top 1 percent. The top 5 percent pay 56 percent of all taxes, and the top 10 percent pay 67 percent of all income taxes. Then the top 50 percent pay 96 percent. So how are you going to have tax relief without these folks benefiting is beyond me. But then again, I do not subscribe to the fuzzy math some of them had in the last 8 years of the Clinton administration. It is hard to follow these things.

I ran the numbers though as a Georgia representative as to who would these folks be. Well, listen to this: 860,000 Georgians will get some form of tax relief. And 60 percent of those who will benefit from stopping the double taxation on savings make less than $75,000 a year. Eighty percent of Georgia taxpayers, that is 4 out of 5, 80 percent of them earn less than $50,000 and virtually all of them will get some form of tax relief from this plan.

So I am comfortable. When somebody says 80 percent of the taxpayers in Georgia will get some tax relief, I am comfortable. But this is important because I want my families to have that $1,400 in their pocket because they are going to be able to buy more clothes, more shoes, more bookbags, a tutor for a kid, new automobile tires, or whatever. They are not going to be able to go on a junket to the Bahamas, but what is really more important than this is jobs. And this will create jobs for my laid-off paper mill workers down in Camden County; for my folks up in Hinesville, who, because of all the troops being gone, they have had to close up their restaurants and their CD stores. This is a jobs package.

There is nothing more important we can do for those in the military than if we can say, listen, if you decide not to stay in the military, we have a job for you. And if you want, those jobs are available sooner than later. And that is why I am excited about it.

Mr. CUNNINGHAM. Another important point is that people think, well, I will be getting money back. Not so. You just do not have to send it to Washington, D.C. in the first place.

My colleagues on the other side, many of them, believe that Washington can do the job better. Unfortunately, if you look at every department, including the Department of Defense, the Department of Education, INS, all the different departments, there is fraud, waste and abuse. For example, food stamps had over 50 percent in fraud, waste, and abuse.

By not taxing individuals, they never send it here to Washington in the first place. That money stays in their pocket to pay for schools, or they can invest it, say in an education IRA. Say the day you know your child is going to be born, you set aside $2,000 to $4,000 in an education IRA, by the time that child is 16 years of age, if it was $2,000, you might think, well, that is only $32,000. No, because it is compounded, you can use that money for tutoring or for education, or if you have a child who qualifies under the individuals with Disabilities Act, you can use it for special education.

Mr. KINGSTON. Let me say this, too. I am a father of four, and I believe the gentleman has three children.

Mr. CUNNINGHAM. Three children; two daughters and my son was adopted.

Mr. KINGSTON. And I know that the gentleman's daughter had a real high SAT score.

Mr. CUNNINGHAM. Sixteen hundred.

Mr. KINGSTON. Madam Speaker, we need to be sure we get that in the RECORD; that she inherited her mother's brains.

Mr. CUNNINGHAM. Dr. Nancy Cunningham is the Chief of Staff for the Assistant Secretary of Education. She has two masters and she is bilingual in Spanish. So there is no doubt where she got the 1600 from.

Mr. KINGSTON. Let me congratulate the gentleman. But as a middle class guy raising my kids, you fight the day-to-day battles; are they studying their math, are they going to play baseball this spring, are they going to get some game time on one of these teams where the coach only plays his son. So you have these issues with raising kids. But just about every parent I know, lurking in the background every week, every day, is what am I going to do about college? What am I going to do about college?

My daughter Betsy is at the University of Colorado. Out-of-State tuition is about $30,000 a year. And let me say this, if the gentleman comes back to visit me in Savannah, Georgia, I am growing to drive you around in my 1993 Pontiac with 200,000 miles on it. There are no new cars in sight for the Kingston family. And that is pretty doggone typical. These education IRAs are a significant step for the middle class. The parents who know they may or may not have college educations themselves, they know their children are going to be better off and have more job opportunities if they get a college education.

So the 529 plans, the Coverdell Savings Plan, the educational IRAs, all these terms which are kind of confusing if you are not a stockbroker or banker or financial type, the reality is basically they are just savings plans to make sure that your son or daughter has an opportunity for that college education. And that is something worth fighting for, whether you are a Democrat or a Republican. And I do not understand why the liberals are trying to tear down these tools.

Mr. CUNNINGHAM. Well, the gentleman's business people and his workers in Georgia are just like in California.

One of our colleagues at the whip meeting pointed out that the tax laws against business are the worst of all the industrialized nations. The capital gains is the highest of industrialized nations. No other nation has double taxation. Just the United States. And what that does is it makes us not as competitive. We hear about cheap labor a lot, but the labor that we have is taxed so high that the cost of goods makes us not be in the market overseas. So I would like to see capital gains go to zero. I would like to see the double taxation go away.

One of my friends right here tonight, he was looking for an apartment where

I live, and a lady had a single room apartment for sale. She decided not to sell it to our colleague because after she looked, the capital gains she is going to have to pay on selling that are going to far exceed any benefit that she would get. So it also ties up capital and revenue.

Mr. KINGSTON. Well, I am glad the gentleman brought that up because it is amazing how overtaxed our country is. I have a chart that is a little difficult to follow, but what it basically says is that the tax rate remains historically high as a percentage of our gross domestic product. On the average, what it has been is about 18 percent, but right now it is sitting about 22 percent.

So when people say, oh, taxes are about where they need to be. Well, they are higher than they were in 1995. They are higher than they were in 1980. They are higher than they were in the 1960s.

The gentleman and I have been here long enough. We are on the Committee on Appropriations. We do a lot of the spending bills. I have come to the conclusion that my folks back home in Georgia can spend their money better than 435 people up here in Washington, D.C., and so if we do not take their taxes, we are not going to spend it frivolously.

I wanted to, though, also talk to the gentleman about a spending issue that ties into part of our agenda. We started out saying, well, the Senate, our other body, are spending time on judicial nominees who are well qualified and they do not want to approve them, for political reasons, but we are moving on with an agenda on tax relief and supporting our soldiers and also frivolous medical liability.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BISHOP of Utah). The Chair would remind Members that any characterization of the Senate is against the rules of the House.

Mr. KINGSTON. I thank the Speaker.

I want to discuss with the gentleman now, Mr. Speaker, this medical liability issue. And let me say up front that if I am in trouble, I want a lawyer. I want a lawyer on my side. So this really is not aimed at or taking shots at the lawyers. What this is saying is our system has a problem.

In Las Vegas, 30 obstetricians have closed their practice in recent months, leaving the city with 85 obstetricians to deliver 23,000 babies a year because of their malpractice insurance. That is according to the Las Vegas Review Journal, August 29, 2002.

In West Virginia, the parents of a 6-year-old boy were forced to drive 3½ hours to Cincinnati, Ohio, to find a specialist who could remove the pin that the boy had accidentally lodged in his windpipe. And that is from WSAZ-TV in Charleston, West Virginia, September 19, 2002.

Here is something from the South Florida Sun Sentinel, November 4, 2002. Women are facing waiting lists of 4 months before being able to get an appointment for mammograms because at least six mammography centers in South Florida have stopped offering this procedure as a result of increased medical liability insurance premiums.

And then here is one more from the New Jersey Hospital Association, January 28, 2003. In New Jersey, one out of every four hospitals, or 27 percent, has been forced to increase payments to staff emergency departments because physicians are reluctant to provide care in medical malpractice crisis stories because they have greater liability exposure.

The examples go on and on and on. And before I yield to the gentleman from California once again, Mr. Speaker, I want to show him a chart. I know this will not be picked up by the television, but it lists States that are having medical malpractice problems: New Jersey, New York, Ohio, West Virginia, Kentucky, North Carolina, Florida, Georgia, Mississippi, and Arizona.

□ 1700

States that are not having frivolous medical liability problems include Colorado, New Mexico, and the gentleman's own State, California.

Mr. Speaker, I yield to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the law that we are going to debate on tort reform is based on California law which has been very successful. California has been more successful than the other States.

What it does is it protects. It will allow, if we do this nationally, $60 billion to go into our health care centers instead of going to trial lawyers. People will still be represented and protected, but it will allow that money to go into our health care centers.

Another example, I sit on the D.C. subcommittee. Thanks to a Member on the other side, on the D.C. subcommittee we capped trial lawyers' fees for IDEA, Individuals With Disabilities Act. In 2 years we saved $12 million. $12 million, instead of going to trial lawyers, goes to children with disabilities.

Mr. KINGSTON. Why do children with disabilities have trial lawyers?

Mr. CUNNINGHAM. Mr. Speaker, the Individuals with Disabilities Act has done a lot of good. Parents think that they are going to have a homecoming queen or a fullback, and all of a sudden parents have a child with disabilities. Many parents do not know how to handle that. In many places, the child would be denied an education at school. That is wrong.

What has happened is cottage organizations, anytime there is money, trial lawyer cottage organizations will bring activists in and demand 20 things instead of what they really are accredited for under an IEP, which is where they designate what that child's disability is and what kind of care that they need. The lawyers come in and demand, and we have cases where ambulance service has to bring the child to school; they have to have a full-time nurse. The average is about $5,000 per child nationwide per year. We have some cases where that exceeds $100,000 for one child.

The bill that I am talking about caps the trial lawyers' fees so that the money stays in the education system to help those children instead of trial lawyers, but at the same time allows every child to be represented by a lawyer, and represented if they feel that they are being abused by the school system.

Allen Burson, San Diego city schools, who was President Clinton's head guy under Border, is now the superintendent of schools; and he said this is his number one issue in taking money away from schools. We are losing good teachers. My sister-in-law heads up the Individuals With Disabilities Act for San Diego city schools. They are losing good teachers, teachers that just want to teach children; but the trial lawyers get them into court and just beat the heck out of them, and we are losing those good teachers.

Mr. KINGSTON. I want to ask the gentleman, and I see that we have been joined by the gentleman from Florida (Mr. MARIO DIAZ-BALART), did California run out of lawyers when you stopped the frivolous lawsuits?

Mr. CUNNINGHAM. Just like the rest of the country, there is an excess. As a matter of fact, I would just end it at that. There is an excess number of lawyers within the State of California. If we look at representation in our court system across the country, there is an excess. This law has not prevented people from being represented in California. Instead, it gives people a fair day in court, but yet it limits the extravagant and saves money for the health care system. So with that $60 billion, and that is per year, we could take care of every uninsured person within the United States.

Mr. KINGSTON. Mr. Speaker, again, this is not about lawyers; but it is about access, and it is about doctors.

I want to read a few more statistics from various papers. This is from the Business Journal of Portland, January 10, 2003. In three of Oregon's more rural counties, John Day, Hermiston, and Roseburg, families have either lost all access to obstetric care or their services have been drastically reduced.

Here is something from Amarillo-Globe News, October 30, 2002. According to a Texas Medical Association poll of Panhandle doctors, 61 percent have plans to retire early, and 83 percent said they use defensive tactics in practicing medicine because of fear of being sued. And then in the Fort Worth Star-Telegram, January 6, 2003, in South Texas a pregnant woman was forced to drive 80 miles to a San Antonio doctor and hospital because her family doctor in her more rural hometown had recently stopped delivering babies because of malpractice concerns.

It is something that I am glad this House is looking at. We need a balanced bill. People certainly have the right to defend themselves. They need access to the courtroom, but the courtroom should not stifle access to the emergency room.

The gentleman from Florida (Mr. MARIO DIAZ-BALART) has joined us now. And we have been talking about taxes, Iraq and jobs; and we started out talking about the nomination of President Bush of Miguel Estrada to the D.C. District Court. I had cited the gentleman from Florida in saying he was accused of not being Hispanic enough, and yet here is a guy who has graduated magna cum laude from Harvard, Columbia University, Harvard Law Review. He has practiced before the Supreme Court 15 times, he has worked for Republican and Democrat administrations, came from Honduras when he was 17 years old, but for some reason there are those in the House and the Senate who do not like him.

In fact, did I hear a Member say earlier that the House Latino Conference, did they take a position on this guy?

Mr. CUNNINGHAM. That is a question that I wanted to ask.

Mr. KINGSTON. Nationally Hispanic and Latino groups overwhelmingly have supported Miguel Estrada.

Mr. CUNNINGHAM. I asked my colleague that spoke earlier, I said, In the caucus meeting, did you invite anybody else? They said, No, it was just the caucus.

I asked, Did you invite anyone from outside so when you claim he did not answer questions, that it was not a fix, that the memo to the other body was not written before the conclusion of the caucus meeting? The reason for that is I heard all of the questions asked to Mr. Estrada. I missed a lot of sleep, and I also read the answers, and I heard the claims that he did not answer the questions on the other side. Every question was an A-plus answer, and the newspapers have editorialized about that.

I wondered about the claims of the Hispanic Caucus in the House where they had a meeting, had no outside intervention. Was the gentleman from Florida ever asked to participate? Because they said the Republican Hispanics chose not to go on the Hispanic Caucus. Were you ever asked to sit in on the meeting where the questions were asked?

Mr. MARIO DIAZ-BALART of Florida. No, I was not. But I think there are some facts that need to be brought out.

Number one is, as the gentleman said, the majority of the Hispanics in this country are excited about Miguel Estrada being on this Federal court. He would be the first Hispanic ever to serve on that court. But I can tell Members as excited Hispanics are in this country, everybody who loves diversity is excited because this is not just a Hispanic issue. We are seeing an attitude of outrage by the Hispanic communities and others when people use race as a reason to disqualify Mr. Estrada, and we have heard it on the floor of this House where Members say he is not Hispanic enough. What is he, three-fifths Hispanic? I thought those days were over when people were judged by their race. I thought the day of judging people by if they are too much of one thing, too little of another, I thought those days are over.

Personally, it is offensive when people try to use race to disqualify this brilliant young lawyer, a person who got here when he was 17 years old, barely speaking English, worked hard, studied hard, graduated with honors from Columbia University and then Harvard and worked in the Solicitor General's office under two Presidents, both Democrat and Republican Presidents. People who have worked with him say he is of the highest caliber, and yet all of these sad excuses have been used to try to derail him.

There are people who said a couple of years ago that they would fight against a filibuster, and now they are leading the filibuster. How is that possible? Were they misleading the American people when they said that then, or are they not being truthful now? It is really offensive. It is very offensive. I can tell Members also that here in this House the Hispanic Conference is wholeheartedly, enthusiastically supporting Miguel Estrada, not because he is Hispanic, but because he is highly qualified.

Mr. CUNNINGHAM. Didn't the ABA give him a high rating?

Mr. KINGSTON. Yes.

Mr. MARIO DIAZ-BALART of Florida. People have said that should be the threshold issue. Those same people that have said that is the threshold issue, and now they are saying that it does not matter with Mr. Estrada. What is it? It is not because he has not answered questions. He has answered five times more questions than the previous two people on that court combined. It is because of all of these other excuses. It seems, sadly enough, that we have heard recently the real reason: race. They do not want him because of his race.

Let me tell Members, I have to be very clear, I am not supporting Mr. Estrada because of his race, because he is Hispanic. No, I am supporting him because of his qualifications, because of his talent and experience. But it is offensive that because of his race, some people are trying to avoid him getting there.

Mr. KINGSTON. Mr. Speaker, let me ask the gentleman a personal question. If it was the gentleman from Florida (Mr. MARIO DIAZ-BALART) instead of Mr. Estrada, and the gentleman had all of his qualifications, do you think that they would let you through based on what you are saying?

Mr. MARIO DIAZ-BALART of Florida. It is funny that some of the people who have questioned whether he is Hispanic enough, these are people who, like me, are born here. There are people who are born here that say Mr. Estrada cannot be a judge because he is not Hispanic enough. Mr. Estrada got here when he was 17, so it is laughable. What is offensive is not who is saying it, but what.

Mr. Speaker, race should never be a factor to disqualify a human being to reach a position that he or she is qualified for. On this floor we have heard it once again. They say the reason that Mr. Estrada should not be on that bench is because of race. That is highly objectionable; and it is insulting, degrading to this institution, and degrading to the United States of America.

□ 1715

Mr. CUNNINGHAM. Mr. Speaker, I do not criticize my colleagues. It is their right to oppose somebody. But I also see what happened on C–SPAN. Then I look at some of the same issues that my colleagues are here bringing up, and they were false. I would think it would be more legitimate if a question was asked in the Hispanic Caucus, that the question be read and Mr. Estrada's answer just as it was in the other body. And that would be fair. And then let people make a decision. But to have a kangaroo court meet, in my opinion, with a decision already made before the court took place is wrong. To not allow anyone else within that room except for that limited group of people to see if it was fair is wrong.

Mr. KINGSTON. Last year when a different party was in charge of the other body, we passed lots of legislation that died, lots of legislation that was not allowed to come out on the floor for a vote. It seems that those same folks who lost the majority because of their inability to make decisions are at it again and it is absurd. Hey, vote the guy down. Have the guts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BISHOP of Utah). The Chair has to remind the body one more time that Members can make factual references to the Senate but anything that characterizes action or inaction in any way is out of order.

Mr. KINGSTON. I believe that we all are elected, be it a House or a Senate Member, or even a State representative back home, a county commissioner or a mayor, you are elected to vote, to take a position and not play parliamentary games, which is what has been going on.

Mr. CUNNINGHAM. We rejoiced when the Democrats elected their leadership because we knew how far left it was. This is just a good example.

Mr. MARIO DIAZ-BALART of Florida. I just may add, though, also, that there are so many important issues that this country is facing, that this House and our friends across the rotunda, in the other Chamber, are facing. The fact that there is a filibuster going on, not only is it damaging to this brilliant young attorney who is experienced, talented and of unbelievable

integrity, but there are a lot of other issues. The gentleman was mentioning the economy recently. I am concerned about the economy. I am concerned that we need to do something and do it quick to make sure that we have economic growth in this economy. That is why I support the President's proposals, because I think there are two choices: Either you do nothing and hope for the best or you do what the President is suggesting, which is make sure that we incentivize job creation. But the problem is that nothing is getting done over there because there is a small group of people who just refuses to let anything happen because they are going to filibuster on Miguel Estrada. That is unbelievable.

You are absolutely right, sir, where you just said, that is the same group that did not get anything passed for the last couple of years and now in the minority they are even going to the extreme of procedural maneuvers to avoid votes because they do not have the votes, but they are going through procedural maneuvers to avoid even a vote. It is horrible because Miguel Estrada deserves a vote.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair has to remind Members one more time that any kind of characterization of the other body is not in order.

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. Can I ask the Chair a question?

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. CUNNINGHAM. When we are talking about something that is done in the other body, it is very, very difficult to talk about and compare without mentioning the other body, to compare what they are doing in relation to this body.

The SPEAKER pro tempore. The Chair understands the difficulty, but those are indeed the House rules.

Mr. CUNNINGHAM. We will try to be cognizant of that, Mr. Speaker.

Mr. KINGSTON. If I may ask the Speaker, you can make a factual statement about the other body; is that correct?

The SPEAKER pro tempore. The gentleman from Georgia is correct. Members can make certain factual statements about the Senate or its actions, but cannot in any way characterize its action or inaction or the Senate or its Members.

Mr. KINGSTON. I thank the gentleman.

Mr. Speaker, also, how much time do we have left?

The SPEAKER pro tempore. The gentleman has about 30 seconds.

Mr. KINGSTON. I certainly appreciate the Speaker's leadership and patience. Does either the gentleman from Florida or the gentleman from California have any closing remarks?

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. I would ask the Chair again, for example, is it okay, a fact, that then the majority leader of the Senate stopped the flag amendment from coming forward in the other body. Would that be appropriate? That is a fact.

The SPEAKER pro tempore. The rules forbid such a characterization.

Mr. CUNNINGHAM. You are correct. Action was not taken by the majority leader at that time.

The SPEAKER pro tempore. The fact that action was not taken might be stated without characterization.

Mr. KINGSTON. I thank the gentleman from California.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman from Georgia for his time.

GLOBAL HIV/AIDS PANDEMIC

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Ms. LEE) is recognized for 60 minutes.

Ms. LEE. Mr. Speaker, tonight's Congressional Black Caucus special order on the global HIV/AIDS pandemic is particularly timely given our current discussions on an authorization bill by the House Committee on International Relations. I want to thank the gentleman from Maryland (Mr. CUMMINGS) for his leadership in the Congressional Black Caucus for organizing this very important discussion tonight.

Three weeks ago, during the Congressional Black Caucus' special order celebrating Black History Month, I laid out the history of our caucus' work in the Congress on the global AIDS pandemic. I described how our involvement evolved in 1998 with a proposal put forth by my friend, colleague and a distinguished founding member of the Congressional Black Caucus, Congressman Ron Dellums, calling for an AIDS Marshall Plan. Since that time, support for these proposals has broadened beyond the Congressional Black Caucus to encompass a majority of Members of this Chamber on both sides of the aisle. I am especially proud of the progress that we have made over the years.

For example, under the leadership now of our new leader, the gentlewoman from California (Ms. PELOSI), $42 million was amended to the fiscal year 2001 foreign operations bill to provide the first real increase in spending for our international AIDS programs. We passed the Global AIDS and Tuberculosis Relief Act of 2000, which was signed into law by President Bill Clinton and which established the framework for the global fund to fight AIDS, TB and malaria.

And last year we came very close to reaching a compromise on H.R. 2069, the Global Access to HIV/AIDS Prevention, Awareness, Education and Treatment Act which is a comprehensive global AIDS bill that passed the House in December of 2001 and which the Senate modified and passed in July of 2002. Yet there is still a tremendous amount of work for us to do, particularly now that the President has finally decided to support a significant boost in spending for our international AIDS programs.

But what has the President really proposed and how does this proposal translate into action within the fiscal year 2004 budget which we received early last month? The President has said that the goal of his initiative is to prevent 7 million new infections per year and to provide treatment to over 2 million people who are infected with HIV, and to provide care for 10 million HIV-infected individuals and AIDS orphans. But where is the money for this proposal? Certainly it is not contained within the President's recent budget request to the Congress. In fact, the President only requested $450 million for his initiative in this coming year and a total of $1.8 billion for the entire international HIV/AIDS, TB and malaria portfolio. This is barely an increase of $400 million over the fiscal year 2003 budget of $1.4 billion and is far below the figure of $2.6 billion that the Congress was targeting for fiscal year 2004. Yet at the State of the Union address, the President described an immediate need for treatment for 4 million individuals infected with AIDS, individuals who, as the President described, have been told by their local hospitals, ''You've got AIDS. We can't help you. Go home and die.''

What does the President say to these same people within his budget request? Additionally, the limited focus of the President's plan to just 25 percent of the 48 sub-Saharan countries is really very shortsighted. This kind of policy would neglect millions of individuals who are equally in need of assistance. But the most disconcerting portion of the President's proposal is his level of commitment to the global fund to fight AIDS, TB and malaria. Under the President's proposal, the global fund would receive only $200 million per year for the next 5 years. Yet at this moment, the fund is nearly bankrupt and has projected that it will require an additional $6.2 billion through 2004 to meet the increasing number of grant requests that the fund is expecting.

As a point of comparison, we recently approved $350 million in the fiscal year 2003 budget for the global fund. The AIDS authorization bills that we were working on last year would have provided between $750 million to $1 billion in fiscal year 2003. Clearly the congressional commitment to the fund exists. This was a bipartisan effort. It is especially critical that we provide funding now, given the recent election of Health and Human Services Secretary Tommy Thompson as chair of the executive board of the fund, in effect, making him the chief fund-raiser for the global fund.

Despite these issues, I believe there is ample hope that the United States will make a substantive commitment to fighting the global AIDS pandemic. The groundwork that we laid in the last Congress among the original cosponsors of the House and the Senate