

S. 460. An act to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

S. 541. An act for the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova.

S. 573. An act to amend the Public Health Service Act to promote organ donation, and for other purposes.

S. 648. An act to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

S. 848. An act for the relief of Daniel King Cairo.

S. 854. An act to authorize a comprehensive program of support for victims of torture, and for other purposes.

S. 1130. An act for the relief of Esidronio Arreola-Saucedo, Maria Elena Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola.

S. 1402. An act to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2004 through 2008, and for other purposes.

S. 1683. An act to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees.

S. 1881. An act to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments made by the Medical Device User Fee and Modernization Act of 2002, and for other purposes.

S. 1920. An act to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The message also announced that the Senate has agreed to the House amendment with an amendment.

S. 877. An act to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

PLENTY IS WRONG WITH THE WAL-MART PICTURE

Mr. BLUMENAUER. Mr. Speaker, a drama is taking place about the future, not just of America's economy, but the global marketplace. A metaphor for this drama is the role that Wal-Mart, the world's largest retailer, plays. Since its founding by Sam Walton in 1962, it has grown to be larger than the economies of 170 nations.

By rigorous cost containment and careful attention to detail, it has

forced suppliers to be competitive and more effective. It has given Americans lower prices, and some experts even say has held down inflation. What could be wrong with this picture? Well, plenty.

First of all, there are the costs to communities. It appears that communities lose far more jobs with Wal-Mart than they gain. Depending upon that community and whether or not those jobs lost are unionized, the jobs that they do get are \$2 to \$10 an hour less than those destroyed. Much of the opposition is to the impact that Wal-Mart has on the fabric of the communities it operates in, often at the outskirts of town, drawing away from the vitality of the main street where businesses, slowly, are strangled.

The impact can even be devastating for its suppliers, as detailed in a cover story in this month's Fast Company magazine, discussing the impact on Huffy Bikes and Vlastic Pickles, where companies end up being squeezed and often cannibalizing themselves. Finally, there are grave questions about the treatment of workers in the factories around the world that supply Wal-Mart.

There appears to be a corrosive impact on Wal-Mart itself: It is not just anti-union, but blatantly so, firing workers who are sympathetic to unions. There is illegal coercion of their own employees who may be interested in unions, and illegal roadblocks to people who would organize.

Last June in the Wall Street Journal, there was a story about Wal-Mart firing workers earning \$9.50/hour just because they were at the upper end of Wal-Mart's already low pay scale.

There is strong evidence that the corporate culture that knows every detail of its supply chain refuses to correct abuses that have been widely reported in its own operation.

Last year in Oregon, a jury found that company managers had coerced hundreds of employees to work overtime without compensation, as Wal-Mart managers were tampering with time cards, and forcing employees to work off the clock. This appears not to be an isolated example. Already Wal-Mart has settled overtime suits in Colorado and New Mexico, and there are more than 40 other cases pending across the country.

Equally as distressing was the raid this fall of 61 Wal-Mart stores where it appears they were contracting with companies to clean their stores who systematically used illegal immigrants. These employees were cheated out of overtime by these companies that often failed to pay their taxes. A systemic pattern by a company known for insisting on detailed, private financial information from its suppliers, but unable or unwilling to make sure that its own contractors follow the law. This raises huge questions about their 10,000 overseas contractors and subcontractors, about whether or not Wal-Mart has complied with its own vague code of conduct, especially since Wal-

Mart is the only major retailer that refuses to allow independent auditing of its factories overseas.

Mr. Speaker, it is time for Wal-Mart to open up to independent monitoring abroad, to stop cheating its employees at home, and to become a force to lift standards, to make our world a better place.

To help them, Congress ought to start now investigating the practices of America's largest retailer, particularly as it relates to labor and employment. Communities should help Wal-Mart by not cutting corners and cutting their own throats in competition for another store, and instead establish reasonable land use and planning regulations for Wal-Mart developments.

Most important, consumers should begin to consider whether the lowest price is worth any cost: to the poor of the world, to suppliers here at home, to the health of our main streets, and the abuse of Wal-Mart workers, and Americans denied basic organizing rights. There is a Wal-Mart Day of Action planned next month for January 14. This will give us all an opportunity to consider whether the lowest price, regardless of its cost, is worth it.

HONORING JUDGE HERBERT CHOY

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from California (Mr. COX) is recognized during morning hour debates for 5 minutes.

Mr. COX. Mr. Speaker, today, in San Francisco, the Ninth Circuit Court of Appeals is going to honor one of its most distinguished judges by hanging his portrait in historic Courtroom One in the courthouse on 7th Street in San Francisco. That jurist is Herbert Y.C. Choy. I am very privileged to have worked for him in my first job upon graduation from law school as his law clerk.

Today, some 31 generations of Choy law clerks will honor him, along with Chief Judge Mary Schroeder of the Ninth Circuit Court of Appeals; Richard Clifton, the successor to Judge Choy in the Ninth Circuit courthouse in Honolulu; and also one of his law clerks, John McCuckin, who is now executive vice president of Union Bank, and many, many others from around the country who honor and treasure and respect Judge Choy and his wife, Helen.

Judge Choy is the first Asian American ever appointed to the Federal bench. He is the first Asian American not only on an article 3 court, but on any court. He is the first Korean American to be appointed to the Federal bench, and he is the first Hawaiian ever to be appointed to serve representing the State of Hawaii on the Ninth Circuit Court of Appeals.

Judge Choy is the son of immigrants who came to Hawaii, came to the United States from Korea, as part of a great wave to work on Hawaii's sugar plantations. The Hawaiians of Korean

ancestry are celebrating their centennial of that great immigration wave this year. As someone who was part of the immigration experience, Judge Choy always paid particular attention, he said, to immigration cases to make sure they were decided fairly, and on the Ninth Circuit Court of Appeals, immigration cases are a significant portion of the total caseload.

When he graduated from the University of Hawaii, Judge Choy blazed another trail. He went back East to Boston to attend Harvard Law School where he distinguished himself as a scholar. When he graduated in 1941, as a Hawaiian on the East Coast of the United States of America, he was horrified, as were all Americans, when 6 months later, an anniversary that we recognized last week, on December 7, 1941 saw the attack on Pearl Harbor. Judge Choy, who had just graduated from law school, joined the United States Army, and served this country with distinction. He joined the Judge Advocate General Corps, prefiguring his work in private practice, beginning in 1946 at the end of World War II, as a lawyer. He became the Nation's first Korean American attorney, and practiced with the firm of Fong & Miho, later known as Fong, Miho, Choy & Robertson. Hiram Robertson, a distinguished Member of this Congress, was his law partner.

He went on to serve Hawaii as attorney general, beginning in 1957, and he was nominated by the President of the United States in 1971, elevated to the Federal bench, to the United States Court of Appeals, the largest and busiest of the Nation's appellate courts.

When he became the first Asian American on the Federal bench, it was not remarked upon in that way. Rather, people recognized that this was a first of another sort, this was one of the most remarkable people from any background nominated to the Federal bench, and as his law clerk and as so many of his law clerks gathering to honor him can attest, he was unique, and remains unique, in his capacity to inspire others through a quiet dignity, through leadership, scholarship that is not intimidating, but compassionate. He is scrupulously honest. I have known honest people in my life who have been examples for me, certainly my own parents, but never have I seen someone who is so scrupulously honest as Judge Choy.

Mr. Speaker, we honor today a man whose life in the United States of America symbolizes the importance of the rule of law and that vital pillar of our American republic depends upon people of character. There is no finer example of honesty, integrity, impartiality, and equality before the law than this man, Judge Choy, whom we honor today here in this Congress and in the courthouse in San Francisco. To Judge Choy, to his wife, Helen, and all of the Federal family, as he is want to call them, congratulations. This is a wonderful occasion to honor a wonderful man.

CONGRESS BORROWS TO FUND PROJECTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today Congress will take up one of the largest single aggregate spending bills in the history of our Nation. There are billions more for foreign aide, there are many questionable projects and priorities; but what is most glaring about this legislation is what is not in it.

The interesting thing is that much of the money that funds the agencies and the projects under this bill will be borrowed. And Americans, working Americans, for the next 30 years, will be paying that bill. But there is one glaring oversight, one thing that is left out where we would not have had to borrow money, and that is to take care of the long-term unemployed here in the United States of America.

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Why would we not have to borrow money to take care of them? Because there is \$20 billion in the unemployment trust fund, taxes that were paid in by employers and employees, that were set aside to take care of Americans in a time of need when they have lost their job and they cannot find another job through no fault of their own. \$20 billion is there. So out of the hundreds of billions of dollars in this bill that will be borrowed and spent elsewhere, including foreign aid, we could have taken care of the unemployed in the United States at no additional cost.

So why is it that they have been omitted for the second year in a row? Last year we notified the Republican leadership and the President that unemployment is a problem outside the Beltway of Washington, D.C. People are exhausting their benefits and they need help. That fell on deaf ears here in the House. The Republican leaders refused to bring forward legislation to help the long-term unemployed. Finally, sometime between Christmas and New Year's, when these people were receiving notices that their benefits would no longer be coming, Merry Christmas, the President woke up and asked the Congress when it reconvened in January to extend benefits further.

Unfortunately, the leaders, again, here in the Congress, the Republican leaders, chose to bury deep in that reauthorization of extended unemployment benefits something called a look-back provision. What it says is if half the people in your State are unemployed today, you can get extended benefits. But if a year from today, you still only have half the people in your State unemployed, those benefits will expire. The look-back provision says your unemployment has to get worse before we will extend benefits again. Oregon and many other States are falling into this trap now. Our economy

has not gotten significantly better. There are still many thousands of Oregonians unemployed who cannot find work. Many of them fall into this category of long-term unemployed. Thousands of them are going to see their benefits expire this month and tens of thousands more over the next couple of months. But because of this so-called look-back provision, they are no longer eligible to get unemployment benefits.

This is just extraordinary that this Congress would again think about leaving town for the Christmas and New Year's holidays and into the next year without authorizing extended unemployment benefits for tens of thousands of Oregonians and other Americans at no additional cost to taxpayers, just spending down those reserves in the unemployment trust fund.

But Congress, the Republican leaders, do not want to do that because that would make the obscene deficit look just a tiny bit bigger. We would not have to borrow that money to pay those benefits; but it would make their \$300 billion or \$500 billion, however you want to calculate it, if you calculate the fact that they are borrowing and spending every penny that is flowing into Social Security this year, no more lockbox around here, that money will be spent and borrowed and spent and borrowed and spent. But if you exclude that, we are in the \$300 billion range, the largest deficit in the history of the United States and spending down the unemployment trust fund would, on paper, make it look bigger; but it would not be anything that would be borrowing to obligate future generations of Americans, unlike the hundreds of billions of other spending in this bill.

So Congress wants to do one thing for this country and one thing for some of the people who have the most merit and are hurting through no fault of their own in this so-called jobless recovery, people whose jobs have been exported, in the case of my district to Canada, Mexico and China, under the trade policies of this administration and, yes, the past administration, which I opposed. These people want to work. They are productive people. They are hardworking people. They are willing to work. They just cannot find a job in the jobless recovery. So let us just give them a little bit of help in the interim so they do not lose their home, so they can feed their kids, so they can keep the lights on.

Do not go home, Congress, until you extend unemployment benefits for all Americans.

HOUSE CONTINUES LATE-NIGHT VOTING TRADITION IN PASSING MEDICARE BILL

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the order of the House of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.