procedures, partial-birth abortion remains a disfavored procedure that is not only unnecessary to preserve the health of the mother, but in fact poses serious risks to the long-term health of women and in some circumstances, their lives. It is also a medical fact that the unborn infants aborted in this manner are alive until the end of the procedure and fully experience the pain associated with the procedure. As a result, at least 27 states banned the procedure, as did the United States Congress which voted to ban the procedure during the 104th, 105th, and 106th Congresses. Unfortunately, the two federal bans that reached President Clinton's desk were promptly vetoed. Although the House of Representatives overrode both Presidential vetoes, the Senate failed to do so.

Then, two years ago in Stenberg v. Carhart, the United States Supreme Court struck down Nebraska's partial-birth abortion ban as an ''undue burden'' on women seeking abortions because it failed to include an exception for partial-birth abortions deemed necessary to preserve the ''health'' of the mother. Thus the Court essentially rendered null and void the reasoned factual findings and policy determinations of at least 27 state legislatures that this gruesome, inhumane, and dangerous procedure should be banned.

The Stenberg Court based its conclusion ''that significant medical authority supports the proposition that in some circumstances, [partial birth abortion] would be the safest procedure'' on the trial court's factual findings regarding the relative health and safety benefits of partial-birth abortions—findings which were highly disputed. Yet, because of the highly deferential ''clearly erroneous'' standard of appellate review applied to lower court factual findings, the Stenberg Court was required to accept these questionable trial court findings.

Those factual findings are inconsistent with the overwhelming weight of authority regarding the safety and medical necessity of the partial-birth abortion procedure—including evidence received during extensive legislative hearings during the 104th and 105th Congresses—which indicates that a partial-birth abortion is never medically necessary to preserve the health of a woman, poses serious risks to a woman's health, and lies outside the standard of medical care. In fact, a prominent medical association has concluded that partial-birth abortion is ''not an accepted medical practice,'' and that it has ''never been subject to even a minimal amount of the normal medical practice development.'' Thus, there exists substantial record evidence upon which Congress may conclude that the ''Partial-Birth Abortion Ban Act of 2002'' should not contain a so-called ''health'' exception, because to do so would place the health of the very women the exception seeks to serve in jeopardy by allowing a medically unproven and dangerous procedure to go unregulated.

Although the Supreme Court in Stenberg was obligated to accept the district court's findings regarding the relative health and safety benefits of a partial-birth abortion due to the applicable standard of appellate review, Congress possesses an independent constitutional authority upon which it may reach findings of fact that contradict those of the trial court. Under well-settled Supreme Court jurisprudence, these congressional findings will be entitled to great deference by the federal judiciary in ruling on the constitutionality of a partial-birth abortion ban. Thus, the first section of the ''Partial-Birth Abortion Ban Act of 2002'' contains Congress's factual findings that, based upon extensive medical evidence compiled during congressional hearings, a partial-birth abortion is never necessary to preserve the health of a woman.

The ''Partial-Birth Abortion Ban Act of 2002'' does not question the Supreme Court's authority to interpret Roe v. Wade and Planned Parenthood v. Casey. Rather, it challenges the factual conclusion that a partial-birth abortion may, in some circumstances, be the safest abortion procedure for some women. The ''Partial-Birth Abortion Ban Act of 2002'' also responds to the Stenberg Court's second holding, that Nebraska's law placed an undue burden on women seeking abortions because its definition of a ''partial-birth abortion'' could be construed to ban not only partial-birth abortions (also known as ''D & X'' abortions), but also the most common second trimester abortion procedure, dilation and evacuation or ''D & E.'' The ''Partial-Birth Abortion Ban Act of 2002'' includes a new definition of a partial-birth abortion that clearly and precisely confines the prohibited procedure to a D & X abortion.

Despite overwhelming support from the public, past efforts to ban partial-birth abortion were blocked by President Clinton. Now, we have a President who is equally committed to the sanctity of life, a President who has promised to stand with Congress in its efforts to ban this barbaric and dangerous procedure. It is time for Congress to end the national tragedy of partial-birth abortion and protect the lives of these helpless, defenseless, little babies.

CONDEMNATION OF THE USE OF TERROR AGAINST INNOCENT ISRAELI CIVILIANS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. KNOLLENBERG. Mr. Speaker, I rise today to express my condolences to the families of the 20 victims in yesterday's bus bombing in Israel, and to add my voice to the calls of condemnation against the continued use of terror as a weapon against innocent Israeli civilians. Horribly, yesterday's attack again included the targeting of children, from high school students to 10-year-olds.

On September 11, 2001, Americans faced the horror of terrorism in a way we never faced it before. Now, we live in fear knowing terrorist networks throughout the world are actively seeking to attack our country again to kill Americans. In order to protect America, and our allies, we launched the global war on terrorism. The use of terror as a weapon must be opposed and fought against, in the Middle East, in Asia, in South America, and throughout the world. As the leader in the war on terrorism, we cannot afford to falter.

However, in the Middle East, Israel is a victim of terrorist attacks every week. Sadly, yesterday's attack was only the latest in a continual effort by Palestinian terrorists to kill Israeli civilians, including children. The intent of these attacks is clear: to instill fear and terror within the Israeli people. Now every decision an Israeli makes—whether to go to a restaurant, whether to go to school, or whether to get on a bus—can be a life or death choice. In response, Israel, like America, has taken action to defend itself.

The United States is the world's defender of democracy and freedom. And Israel is the only democracy in a part of the world that has known no other democracy. Together we stand for the principle of freedom and the right to live in peace without the threat of terrorist attack. And we stand together in the fight against terrorism. America has asked the world to join us in the fight against terrorism. Israel is on the front lines. We must continue to support Israel, financially, diplomatically, and by whatever means are necessary.

Throughout my career in Congress I've been a supporter of the peace process and strengthening the relationships with our allies in the Middle East. For the last eight years I've been a member of the Appropriations Subcommittee on Foreign Operations. In my position on the Committee I've strongly advocated for military and economic assistance to Israel, our principal ally in the region, to help keep it strong and prevent an attack by its neighbors. I've also supported funding for Egypt and Jordan, which is a direct result of peace agreements these countries have signed with Israel. And I've supported humanitarian assistance to the people of Lebanon, the West Bank, and Gaza, through non-govemmental organizations, to help bring greater stability to those areas.

But no amount of funding can bring what is now necessary for progress in the Middle East: an end to Palestinian terrorism. No nation can negotiate with terrorists and no terrorist can be rewarded.

Despite the commitments Yasser Arafat has made to fight against terror, his actions have not met his words. Time and time again he's passed up opportunities, betraying the people he's supposed to lead. Arafat is either unwilling or incapable of bringing and end to terrorist attacks against Israel.

Mr. Speaker, I support a two-state solution to the Israeli-Palestinian conflict, and I support greater dignity for the Palestinian people. But I do not support the creation of a state that either supports or enables the use of terror as a weapon. Before the United States recognizes the creation of a Palestinian state, we must have the assurance that the leader of that state will do everything in their power to consistently, unambiguously, and effectively fight against terrorism. Without that assurance, we may only be increasing the likelihood of more horrific attacks like the one yesterday in Israel.

PAYING TRIBUTE TO BILL DUNHAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2002

Mr. McINNIS. Mr. Speaker, it is with a profound sense of gratitude that I pay tribute to Bill Dunham as he concludes his service to the people of Meeker, Colorado after six years as their mayor. Bill's devotion to his neighbors and love for the town in which he was born has served as a shining example of the selfless nature that is indicative of a true public servant.