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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You offer every generation an opportunity of repentance and by Your Spirit You stir within the hearts of Your people holy desires to reconcile differences, to forgive injuries and establish Your kingdom of peace and justice on this Earth.

Refresh all in this Nation whose spirits are parched from a lack of prayer. Nourish all those who hunger to hear Your Word and accomplish Your will.

Be with the Members of the House of Representatives this day. May everything they do begin with Your holy inspiration, continue with Your help and come to fulfillment under Your guidance. For You alone are Lord, forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. GREEN) come forward and lead the House in the Pledge of Allegiance.

Mr. GREEN of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 357. Concurrent Resolution permitting the use of the rotunda of the Capitol for a ceremony to award a Congressional Gold Medal to Dr. Dorothy Height.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 92. Concurrent resolution congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States.

The message also announced that pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission:

Gary J. Schmitt of Washington, D.C., vice Michael A. Ledeen of Maryland.

The message also announced that pursuant to Public Law 108–173, the Chair, on behalf of the Democratic Leader, appoints the following individual to serve as a member of the Commission on Systemic Interoperability:

Herbert Pardes, M.D., of New York.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minutes per side.

TIME FOR MEDICAL MALPRACTICE REFORM

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

Mr. PITTS. Mr. Speaker, Americans pay a lot for health care, and there are a lot of reasons for the high costs. One of them is excessive awards in medical malpractice cases. In Pennsylvania alone there are $1.2 billion in payouts for medical malpractice cases a year. That is $1,000 for every man, woman and child in our Commonwealth.

People who are mistreated by medical professionals should receive the money they need to compensate for their injuries, but in my State, 40 percent of these awards go to trial attorneys. The result is out-of-control insurance premiums on doctors and higher costs for consumers.

A recent survey this year said that 70 percent of Pennsylvania's doctors have considered closing their practice because of the cost of medical malpractice insurance. Many have left, and many of the new doctors are going elsewhere. Of those that purchase coverage, the costs are going up exponentially every year, as much as 50 percent a year. The same survey reported that frivolous lawsuits are preventing them from getting specialized care for their patients. This is a big problem, and one that Congress should address.

The House has acted with commonsense reform. Now the other body should get past political games and pass reform of the medical liability lawsuit system in this country. Our doctors need it. More importantly, the American people need it. We need to pass lawsuit abuse reform.

PROTECTING SOCIAL SECURITY FOR WORKING AMERICANS

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

Mr. GREEN of Texas. Mr. Speaker, I rise today to express my deep disappointment in Federal Reserve Chairman Greenspan's remarks about Social

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Security. For any of you who missed his shocking pronouncement, Mr. Greenspan suggested Social Security benefits be cut for retirees, that the retirement age should be raised, and the cost of living adjustment, which was a whopping 2.2 percent this year, should be modified because it is too ''generous.''

In 2001, President Bush inherited a strong economy and a $5.6 trillion 10-year surplus. But that has been squandered and turned into a projected deficit of $2.9 trillion. We got into this mess not because of the war on terror, that I think all of us support, but because of the administration's fiscally irresponsible tax cuts.

But Mr. Greenspan, who advocates permanent extension of these deficit-creating tax cuts, suggested we fix this economic disaster by raiding Social Security, not just borrowing from it like we do now.

Surely this administration does not want to pay for tax cuts on the backs of the elderly. It is pretty easy for Mr. Greenspan to sit in his ivory tower and modify Social Security to meet his economic world view, but for those people living in the real world, for folks who are hanging sheet metal, who are working on our docks and ports, working on the assembly line all day, Social Security is a critical safety net that cannot be taken away or reduced. These are not folks who have the luxury of playing the stock market, as the administration would propose, or work a few more years, as Mr. Greenspan suggests.

I hope and pray we reject his proposals and do not privatize Social Security.

CONTINUING THE LEGACY OF SUSAN B. ANTHONY BY SUPPORTING THE UNBORN VICTIMS OF VIOLENCE ACT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today I rise to speak of a courageous woman in America's history, a woman who fought relentlessly for 69 years to establish equal rights for women, slaves, and the unborn. Her name, Susan B. Anthony.

She had a deep desire, dedication and passion that our country live up to its promise that everyone be treated equally. Her leadership helped lead to the adoption of the 19th amendment, giving women the right to vote.

On this 184th year following her birth, let us honor the woman who fought for equality for all by continuing her legacy today and voting for the Unborn Victims of Violence Act. This act recognizes the rights and values of women and unborn children, and Susan B. Anthony would be proud to see this extension of her life's work by protecting the defenseless and speaking for those who cannot speak for themselves.

THE DEFENSE OF IMPOSSIBILITY

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

Mr. FRANK of Massachusetts. Mr. Speaker, I think it was highly inappropriate for Justice Scalia to go on a hunting trip with Vice President CHENEY when he was a defendant in a case, but it is inaccurate to say that this calls into question Justice Scalia's impartiality. You cannot call into question that which does not exist.

Questioning Justice Scalia's impartiality is like questioning Janet Jackson and Justin Timberlake's sense of propriety, or Saddam Hussein's weapons of mass destruction, or the President's plan to cut the budget deficit in half in 5 years.

In fact, if you read Justice Scalia's opinions, they are singularly devoid of impartiality. Here is a man of very vigorous views and prejudices, and he does not see any reason why he should not write them into various opinions.

So, I guess in some ways this is a defense of Justice Scalia. I wish he had refrained from going on that hunting trip with the Vice President, but those who accuse him of having damaged his impartiality, he has a defense of that, well-known to lawyers, it is a defense of impossibility.

IN HONOR OF SISTER CATHERINE DOMINIC

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

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Sister Catherine Dominic, whose life has been devoted to helping and caring for her neighbors.

Sister Catherine will be retiring from St. Mary's Hospital in Rogers, Arkansas, after more than 40 years of service. Her devotion and joyful spirit have given us all strength, and we are fortunate to have shared her friendship.

Throughout her career at St. Mary's, Sister Catherine served the hospital in a variety of roles, including administrator, anesthetist, surgery supervisor and nursing service director. As both a registered nurse and chaplain, Sister Catherine has split her time providing medical care and spiritual support to those in St. Mary's Hospital.

Mr. Speaker, our community will greatly miss Sister Catherine as she returns to the Dominican mother house in Springfield, Illinois. We are extremely grateful for her tireless efforts on our behalf.

I ask my colleagues today to join me in honoring this wonderful Dominican sister for her commitment and dedication to the Third District of Arkansas.

HELPING THOSE IN NEED IN HAITI

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as many of us woke up this morning, we saw the pending violence in Port-au-Prince, Haiti; innocent people being subjected to murder and random and reckless violence.

Yesterday the Congressional Black Caucus met with the President and asked for humanitarian assistance. I am reminded of the aid that we gave to Bosnia, Albania and Kosovo when refugees fled for their lives. I think it would be a shame that with our neighbor, just 650 miles away, we turn refugees back who are fleeing because they are in fear of their lives or persecution.

It is time for this administration to share its humanitarian perspective, if you will, to those who are neighbors, who helped fight for our independence.

Let me conclude simply by saying we have another tragedy in this country as well. For anybody to suggest that Social Security should be cut for those who have worked long years and hard for that benefit, they should take another look. I hope that we will stand up as a Congress against the idea of taking away Social Security for those who worked so very hard and have invested in this Nation, who have built this Nation. Social Security cannot be cut for those who have worked and given to this Nation.

PRESERVING SOCIAL SECURITY FOR WORKING AMERICANS

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

Mr. GEORGE MILLER of California. Mr. Speaker, what a rather startling revelation by Mr. Greenspan, Chairman of the Fed, that the answer to the deficit that this administration has run up and the long-term debt of this Nation is to raise the basic retirement age of Social Security and to cut benefits.

Mr. Greenspan and the Republicans speaking for the investor class decided that average working people in this country, the ironworkers who are rebuilding the San Francisco Bay Bridge, the people who are building the skyscrapers in our major cities, who are building our transportation systems, who are working out there in snow and rain and cold weather all through the winter to provide for their families, that they should just work a few years longer so that they will not have to pay for Social Security.

This administration has run up the largest deficit in history, and now they are using that deficit as an excuse to attack Social Security, which is the backbone of retirement for millions and millions of Americans. Maybe not for Mr. Greenspan and his friends who have stock options, who have golden parachutes, who have buyouts when they leave their corporations, but for millions of hard-working Americans it

is Social Security, and we should not cut it to take care of the Republican deficit.

EXPRESSING CONGRESSIONAL SUPPORT FOR ISRAELI SECURITY FENCE

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, this past weekend a Palestinian terrorist invaded Israel and detonated a suicide bomb on a bus in downtown Jerusalem. Eight innocent civilians lost their lives, and 50 more were wounded in the latest act of senseless violence perpetrated by the Palestinian terrorists against Israel.

Since September 2000, there have been over 20,000 terrorist attacks against Israel. Because of the unwillingness of the Palestinian leadership to prevent the violence, Israel has become a nation under siege.

In order to protect itself and its innocent citizens, Israel is constructing a security fence. Rather than stopping the violence so that there would be no need for a security fence, the Palestinians have chosen to go to the United Nations and ask the International Court of Justice to intervene.

Mr. Speaker, I am introducing a resolution today with my colleague the gentleman from Indiana (Mr. PENCE) asking that this process be stopped and that the Palestinians start negotiating in good faith with the Israelis so that there would be no need for a security fence in that region.

□ 1015

AFFIRMING ISRAEL'S RIGHT TO SELF-DEFENSE

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, the right of every nation to self-defense is an inalienable right. As my colleague, the gentlewoman from Nevada (Ms. BERKLEY), just so eloquently described, today we will introduce, along with nearly 60 Republican and Democrat original cosponsors in this House, a resolution affirming Israel's right to self-defense.

Just last month, my wife, Karen, and I traveled along the fence line in Israel, the security fence itself, constructed in the wake of over 20,000 attacks over the last 3 years that have claimed over 1,000 lives. Israel is engaged in the construction of a fence in an act of self-defense, and our resolution affirms this timeless principle.

Mr. Speaker, I pray for the peace of Jerusalem, for all of the people of the region. But affirming, as this Congress should, the wrongness of the action at the Hague and the rightness of Israel's choice to defend itself and innocent civilians is the proper course of action.

Mr. Speaker, I thank the gentlewoman from Nevada and all of our original cosponsors and urge expeditious action on our resolution supporting Israel's right to self-defense.

PLEADING FOR HELP FOR HAITI

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, I rise this morning to once again plead with this administration to act before there is any more bloodshed and death in Haiti.

Now, for the past 3 months, we have been coming to this floor calling on this administration to act. Yesterday, the Congressional Black Caucus met with President Bush and he, too, said that he abhorred the violence and the loss of life in Haiti. Colin Powell, our Secretary of State, said, we cannot allow thugs and murderers to overthrow the democratically elected government of President Aristide.

So we must act now. We have an opportunity to do so. The United States must take a role, or at least at the very minimum not block any United Nations Security Council resolution which could provide international security forces in Haiti. But time is of the essence, Mr. Speaker. Lives are at stake. This is urgent.

So I plead with this administration to heed our call and save the lives of Haitians and save the real life of democracy in terms of our neighbor of 8 million people right next door in our own hemisphere.

Mr. Speaker, when it comes to democracy, this country supports democracy in Iraq. We should support democracy in Haiti and come to Haiti's aid right now.

U.S. SHOULD SUPPORT ISRAEL'S SECURITY FENCE

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

Mr. NADLER. Mr. Speaker, this past Sunday morning I was in Jerusalem, and I was within 100 yards of a bus on the number 14 route when a bomb was set off by the Alexa Brigades which are affiliated with the Fattah movement chaired by Chairman Arafat. The bomb was timed to destroy a bus and the people on it during the rush hour when schoolchildren were going to school, when men and women were going to work. Eight people, including two high school students, were killed, over 50 wounded. Chairman Arafat's group later claimed credit for this ''successful military operation.'' That was in Arabic. Later during the day, of course, he condemned it in English.

Mr. Speaker, the bomber came in through a gap in the security fence which has not yet been built. The Israelis must finish that fence as a pure defensive reaction. To criticize the Israelis for building a security fence when any other country that was under the kind of sustained terror attack that Israel is under would not be building a security fence, but would be attacking with bombs and missiles, is the height of hypocrisy. Frankly, it reminds me of the criticisms of the Czechs in 1938 for endangering the peace of Europe by getting in the way of the peaceful territorial demands of Chancellor Hitler of Europe.

The Israelis should be applauded for trying to stop this carnage and the murder of civilians, not by invasion and by bombs and missiles, but simply by a security fence; and we ought to support it, and we ought to hail the Israelis for their restrained reaction instead of allowing hypocrites to, in effect, support the campaign of terror by opposing completion of the fence.

UNBORN VICTIMS OF VIOLENCE ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 529, I call up the bill (H.R. 1997) to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 529, the bill is considered read for amendment.

The text of H.R. 1997 is as follows:

H.R. 1997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unborn Victims of Violence Act of 2003'' or ''Laci and Conner's Law''.

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

''CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

''Sec.
''1841. Protection of unborn children.

''§ 1841. Protection of unborn children

''(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to

kill the unborn child, that person shall instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are the following:

''(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

''(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

''(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

''(c) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

''(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) As used in this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following new item:

''90A. Protection of unborn children .. 1841''.

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

''§ 919a. Art. 119a. Protection of unborn children

''(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under this chapter for that conduct had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the accused intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall, instead of being punished under subparagraph (A), be punished as provided under sections 880, 918, and 919(a) of this title (articles 80, 118, and 119(a)) for intentionally killing or attempting to kill a human being.

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

''(c) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

''(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) In this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

''919a. 119a. Protection of unborn children.''.

The SPEAKER pro tempore. The amendment printed in the bill, modified by the amendment printed in part A of House Report 108–427, is adopted.

The text of H.R. 1997, as amended, as modified, is as follows:

H.R. 1997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unborn Victims of Violence Act of 2004'' or ''Laci and Conner's Law''.

SEC. 2. PROTECTION OF UNBORN CHILDREN.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 90 the following:

''CHAPTER 90A—PROTECTION OF UNBORN CHILDREN

''Sec.

''1841. Protection of unborn children.

''§ 1841. Protection of unborn children

''(a)(1) Whoever engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section.

''(2)(A) Except as otherwise provided in this paragraph, the punishment for that separate offense is the same as the punishment provided under Federal law for that conduct had that injury or death occurred to the unborn child's mother.

''(B) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the defendant intended to cause the death of, or bodily injury to, the unborn child.

''(C) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall instead of being punished under subparagraph (A), be punished as provided under sections 1111, 1112, and 1113 of this title for intentionally killing or attempting to kill a human being.

''(D) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are the following:

''(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1113, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203, 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952 (a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of this title.

''(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848(e)).

''(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

''(c) Nothing in this section shall be construed to permit the prosecution—

''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

''(2) of any person for any medical treatment of the pregnant woman or her unborn child; or

''(3) of any woman with respect to her unborn child.

''(d) As used in this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 90 the following new item:

''90A. Protection of unborn children ... 1841''.

SEC. 3. MILITARY JUSTICE SYSTEM.

(a) PROTECTION OF UNBORN CHILDREN.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 919 (article 119) the following new section:

''§ 919a. Art. 119a. Death or injury of an unborn child

''(a)(1) Any person subject to this chapter who engages in conduct that violates any of the provisions of law listed in subsection (b) and thereby causes the death of, or bodily injury (as defined in section 1365 of title 18) to, a child, who is in utero at the time the conduct takes place, is guilty of a separate offense under this section and shall, upon conviction, be punished by such punishment, other than death, as a court-martial may direct, which shall be consistent with the punishments prescribed by the President for that conduct had that injury or death occurred to the unborn child's mother.

''(2) An offense under this section does not require proof that—

''(i) the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

''(ii) the accused intended to cause the death of, or bodily injury to, the unborn child.

''(3) If the person engaging in the conduct thereby intentionally kills or attempts to kill the unborn child, that person shall, instead of being punished under paragraph (1), be punished as provided under sections 880, 918, and 919(a) of this title (articles 80, 118, and 119(a)) for intentionally killing or attempting to kill a human being.

''(4) Notwithstanding any other provision of law, the death penalty shall not be imposed for an offense under this section.

''(b) The provisions referred to in subsection (a) are sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of this title (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

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''(1) of any person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which such consent is implied by law;

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''(d) In this section, the term 'unborn child' means a child in utero, and the term 'child in utero' or 'child, who is in utero' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 919 the following new item:

''919a. 119a. Death or injury of an unborn child''.

The SPEAKER pro tempore. After 2 hours of debate on the bill, as amended, it shall be in order to consider a further amendment printed in part B of the report, if offered by the gentlewoman from California (Ms. LOFGREN) or her designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 1 hour of debate on the bill.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1997 currently under consideration.

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

There was no objection.

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

Mr. Speaker, on January 7, 18-year-old Ashley Lyons and her unborn son, Landon, were murdered in Scott County, Kentucky. Current Kentucky law regards this crime as having only a single victim. But Carol Lyons, Ashley's mother and Landon's grandmother, said, ''Nobody can tell me that there were not two victims. I placed Landon in his mother's arms, wrapped in a baby blanket that I had sewn for him, just before I kissed my daughter goodbye for the last time and closed the casket.'' We are here today to tell Carol Lyons she is right. There were two victims that day.

The Kentucky legislature has recently acted to recognize Landon as a victim under Kentucky law, and Kentucky's Governor is going to sign that legislation. But today, Congress has yet to pass legislation recognizing unborn victims of violence under Federal law. The House has done so twice by large margins, but the Senate has failed to act.

The Unborn Victims of Violence Act provides that if an unborn child is injured or killed during the commission of crimes of violence already defined under Federal law, prosecutors can bring two charges, one on behalf of the mother and the second on behalf of the unborn victim. Indeed, the House of Representatives in the 106th Congress, by a unanimous 417 to nothing vote, passed the Innocent Child Protection Act, a bill only two sentences long, that banned the Federal execution of a woman while she carries a ''child in utero.'' ''Child in utero'' is defined in that bill exactly, to the word, as it is in this bill, namely, as ''a member of the species homo sapiens, at any stage of development, who is carried in the womb.''

Now, opponents of H.R. 1997 will argue that harm to an unborn victim should simply be considered an additional harm to the mother, not an independent harm to another human being. Yet, a vote for the Innocent Child Protection Act two Congresses ago cannot be defended on the grounds that executing a pregnant woman would cause her to suffer additional harm because there can be no additional harm exceeding the ultimate and final punishment of death. Since the only logical rationale for the support of the Innocent Child Protection Act was to prevent the killing of an innocent unborn child, H.R. 1997, which also recognizes unborn victims, should have similarly overwhelming bipartisan support. We shall see.

The legislation before us now requires us to reflect on the goals and purposes of the criminal law. Ultimately, the criminal law is not a schedule of punishments. It is an expression of society's values. It is an expression of society's values. Anything less than the legislation before us today simply does not resonate with society's sense of justice. The tragic murders of Laci and Conner Peterson in California have drawn national attention to unborn victims and the American people have overwhelmingly responded with more than 80 percent support for bringing two separate charges against their murderer.

The Unborn Victims of Violence Act protects the right of a mother to choose to bring her wanted and loved child to term, safe from the violent hands of criminals who would brutally deny her that right. This bill, however, has nothing to do with abortion. Let me repeat that. The bill has nothing to do with abortion. That fact could not be expressed more clearly in the legislation which explicitly excludes abortion-related conduct. Further, the Supreme Court, in Webster v. Reproductive Health Services, has already refused to strike down Missouri's unborn victims of violence law, stating that it ''does not by its terms regulate abortion.'' Mr. Speaker, H.R. 1997, just like the Missouri law that the Supreme Court refused to strike down, does not by its terms regulate abortion and, indeed, H.R. 1997 includes provisions that specifically exclude abortion-related conduct.

Both before and since the Webster decision, every single unborn victims law passed by State legislatures that has been challenged in court has been upheld. Anyone who claims this bill has anything to do with abortion and opposes it on those grounds is inviting this body to focus not on unborn child victims, but on red herrings.

Tracy Marciniak, whose unborn child was murdered by her husband, has told Congress, ''Please don't tell me that my son was not a murder victim.'' The Unborn Victims of Violence Act, I hope, will pass this body overwhelmingly today if only each Member opens their eyes to the photo of the dead body of Tracy Marciniak's murdered child and opens their hearts to the mothers who have implored Congress to give their unborn babies the status they deserve under the criminal law. I urge my colleagues to do so by supporting this legislation before the House today.

Mr. Speaker, at this time I will include for the RECORD two letters that the gentleman from California (Mr. HUNTER), chairman of the Committee on Armed Services, and I have exchanged regarding the two committees' jurisdictional claims on this legislation.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, House Judiciary Committee, Rayburn HOB, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I am writing to you concerning the jurisdictional interest of the Committee on Armed Services in matters being considered in H.R. 1997, the Unborn Victims of Violence Act of 2003.

I recognize the importance of H.R. 1997 and the need for this legislation to move expeditiously. Therefore, at this time I will waive further consideration of this bill by the Committee on Armed Services. However, the Committee on Armed Services asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference. Additionally, I request that you include this letter as part of your committee's report on H.R. 1997.

Thank you for your attention to this request.

With best wishes.

Sincerely,

DUNCAN HUNTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 9, 2004.

Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN HUNTER: Thank you for your letter regarding H.R. 1997, the ''Unborn Victims of Violence Act of 2003.'' H.R. 1997 was secondarily referred to the Committee on Armed Services because section 3 of the bill relating to the Uniform Code of Military Justice falls within its Rule X jurisdiction. I appreciate your willingness to forgo consideration of the bill.

I acknowledge that by agreeing to waive its consideration of the bill, the Committee on Armed Services does not waive its jurisdiction over the bill or any of the matters under your jurisdiction in Section 3.

I will include a copy of your letter and this response in our Committee's report on H.R. 1997 and the Congressional Record during consideration of the legislation on the House floor.

Thank you for your assistance in this matter.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

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

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the so-called Unborn Victims of Violence Act. Here we are again to consider a bill which has now, for three Congresses, unnecessarily mired what should be a laudable and uncontroversial effort to punish truly heinous crimes in the emotionally charged and legally suspect back allies of the abortion debate. This is regrettable, Mr. Speaker, because real people are suffering real harm, while this House has played abortion politics instead of acting to punish truly barbaric crimes.

The issue today is straightforward: Is it or is it not necessary to enact a bill making a statement endorsing the controversial and legally revolutionary notion that a fetus is a legal person from the moment of conception in order to punish these criminals with the severity that they justly deserve?

That is the heart of the issue. The proponents of this bill are taking what should be a straightforward issue and unnecessarily turning it into a controversial one.

Why does this matter? Quite simply, because if the law recognizes that a fetus is a legal person from the moment of conception, as this bill would do, when it is a zygote, a blastocyst, an embryo, a simple collection of undifferentiated cells, then the law must recognize and protect the rights of that person on a legal basis with the rights of the adult pregnant woman. If our laws recognize that, then there can be no right to choose, because, logically, terminating a pregnancy even in its earliest stages would be killing a fully legal person.

So when the proponents tell you that this is not about the right to choose, this is not about the right to have an abortion, remember that very simple and clear fact. And, remember that we have an alternative that is just as tough on these criminals: the Lofgren substitute. We do not have to choose between an assault on Roe v. Wade and permitting these heinous criminals to walk free.

□ 1030

That is a false choice, but I do not ask my colleagues to believe me. Take the proponents at their word.

Senator ORRIN HATCH, the chairman of the Senate Judiciary Committee, a sponsor of this bill in the other body, had this to say, ''They say it undermines abortion rights. It does, but that's irrelevant.'' CNN, May 7 last year.

January 19 last year, Samuel B. Casey, executive director of the Christian Legal Society, told the Los Angeles Times, ''In as many areas as we can, we want to put on the books that the embryo is a person. That sets the stage for a jurist,'' a judge, ''to acknowledge that human beings at any stage of development deserve protection, even protection that would trump a woman's interest in terminating a pregnancy.''

May 19 last year, Dr. Joe Cook, vice president of the American Association of Pro-Life Obstetricians and Gynecologists, was quoted by the Associated Press as saying, ''We have to approach this in a way that's doable, a step at a time. This bill is aimed at establishing that a fetus in utero is a human being and has human rights.''

So please do not insult our intelligence by saying this bill is not about abortion rights.

The proper question is not whether we will recognize a separate or a new crime, but how we will do so. The Lofgren substitute recognizes a special kind of evil embodied in these crimes, but would recognize the assault on the fetus as a second crime against the pregnant woman, a second, separate crime, but against the pregnant woman, not against the fetus. The distinguished chairman of the Subcommittee on the Constitution criticized that point of view as the ''ideology of those who are unwilling to recognize the unborn child in the law.'' Precisely. That is the threat to Roe, and despite the disclaimers in the bill and the disclaimers of the distinguished chairman a few minutes ago, that is what we are talking about today.

If a fetus is recognized as a legal person, then this bill would open the door to barring abortions, to prosecuting women or to restraining them physically for the sake of the fetus. Some courts and State governments have already experimented with this approach. The last time we had occasion to consider this bill, the Supreme Court had just struck down a practice in the then-sponsor's home State of South Carolina in which a hospital would give the result of pregnant women's blood tests to local law enforcement for the purpose of initiating legal action against those women who might take action that might in some way endanger the fetus. Once we recognize even a zygote, two cells, as having the same legal status as the pregnant woman, it would logically follow that her liberty could be restricted to protect its interests. The whole purpose of Roe is to say that her liberty interests trump the interests of the fetus. This bill says exactly the opposite.

For those of us who are prochoice, the right to choose extends not just to a woman's right to have an abortion if she wants, but also to her right to carry a pregnancy to term if she wants and to deliver a healthy baby in safety. That is why we supported the Violence Against Women Act. That is why we support programs to provide proper prenatal care and nutrition to all women. That is why we support proper health and nutrition services after a birth. That is why we support other initiatives like the Family and Medical Leave Act. We do not believe that life begins at conception and ends at birth. We have an obligation to these children and to their parents both prenatally and postnatally.

Let there be no mistake, using physical violence against a woman to prevent her from having a child that she wants is just as much an assault on the right to choose as is the use of violence against women who wish to exercise their constitutional right to choose to end their pregnancy. A woman, and only a woman, has the right to decide when and whether to bring a child into the world; not an abusive partner, not a fanatic, not even Congress.

If we are serious about this problem, and the problem of domestic violence against pregnant women, we have effective remedies at our disposal. If we want to play abortion politics, we have an appropriate vehicle, this bill, before us for that purpose.

Violence against a pregnant woman deserves strong preventive measures and stiff punishment. According to the Journal of the American Medical Association, homicides during pregnancy, and in the year following birth, are the leading pregnancy-related death among women in the United States. Among nonpregnant women, it is the fifth leading cause of death.

Mr. Speaker, it is a disgrace that while these preventable crimes continue to occur, Congress fiddles with largely symbolic legislation designed to interfere with the right to choose rather than taking affirmative steps to deal with this real problem. Why does this Republican-controlled Congress and White House continually refuse to fund fully and adequately the Violence Against Women Act? It appears that many of the Members who have signed on to this bill are the same ones who voted to divert funds from protecting women from violence to protecting stock dividends from taxation.

We owe it to these victims to enact strong penalties, ones which are not constitutionally suspect, to end these heinous crimes. I urge that we adopt the Lofgren substitute to make an assault that harms a fetus a second crime with just as severe or more severe penalties as with this bill, but a second crime against the women so as to not to get into the question of rights of the person to full personhood, which is, of course, the purpose of this bill, but would undermine Roe v. Wade, despite the disingenuous disclaimer of some of the other people on the other side. Let us not crowd the issue of fighting domestic violence, of fighting violence against women and pregnant women, by plunging a legitimate law enforcement effort into the murky waters of the abortion debate.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes to make 3 points.

Mr. Speaker, the gentleman from New York seems to imply that this bill has to do with tax cuts and appropriation levels. It does not. It has to do with the criminal law, and as an aside, the criminal law is an expression of the sense of values of the legislative body that puts the criminal law on the books.

Secondly, the gentleman from New York seems to think that we are plowing new ground in making a definition of what a child in utero is and giving the child in utero the protections that are contained in this bill. That is a settled issue, and on July 25, 2000, with the gentleman from New York's support, we passed the Protection of Innocent Children Act which defined a child in utero as meaning a member of the species Homo sapiens at any stage in development who is carried in the womb, and that means a two-cell zygote.

Thirdly, the gentleman from New York seems to want to interject the abortion debate in this bill. That is not the case at all, and I would refer him to page 7 of the bill as reported that says nothing in this section shall be construed to permit the prosecution of any person for conduct relating to an abortion for which the consent of the pregnant woman or a person authorized by law to act on her behalf has been obtained or for which such consent is implied by law.

So what we are dealing with here is wanted children, children that the mother has every intention of bringing to term to have, to give birth and to give that child a nurturing and loving household and a nurturing and loving upbringing. These are the children that we wish to provide protection for under this bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), who is the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership on this issue. I also want to commend and thank the gentlewoman from Pennsylvania (Ms. HART), the principal sponsor of this bill, for her leadership.

Sadly, recent studies in Maryland, North Carolina and New York City and Illinois indicate that homicide is the leading cause of death of pregnant women in those parts of the country. Those homicides are often inspired by the desire to kill a woman's unborn child. Yet due to gaps in the Federal criminal law, an unborn child can be killed or injured during the commission of a violent Federal crime without any legal consequences.

These gaps are appalling to the American people. Recent polls have shown that upwards of 80 percent of registered voters, including 69 percent of voters who consider themselves to be prochoice, believe that prosecutors should be able to separately charge the violent attacker of a pregnant woman that kills her unborn child. Yet today, for example, if a man stalks his pregnant wife across State lines and attacks her, injuring her but killing the unborn child, that man could not be prosecuted under Federal law for the loss of the baby's life.

The Unborn Victims of Violence Act fills this glaring gap in Federal law with a simple expression of basic understanding, namely, that the loss of an unborn child to an act of violence deserves separate recognition under Federal law. This bill provides that if an unborn child is injured or killed during the commission of crimes of violence already defined under Federal law, prosecutors can bring two charges, one on behalf of the mother, the other on behalf of the unborn victim.

H.R. 1997 recognizes that the loss of an unborn child at any stage of development is a unique and separate loss both to society and to the mother who carried and loved that child. This bill, for the first time under Federal law, treats an unborn victim of violence as something more than a torn spleen or a bruised appendix or other physical injuries incurred during the course of a violent attack that might warrant enhanced penalties but not separate charges under Federal law now. H.R. 1997 treats such unborn victims with the respect and dignity under the law that their loving mothers and the American people rightfully demand for them.

We must all ask ourselves, is an injury to an unborn child the same thing as a broken bone? If the answer is no, as I think we all know that it is, then the only appropriate response is to treat harm to an unborn victim as a distinct and separate offense under Federal law.

This legislation has been called merely symbolic by its opponents, but I wonder how many women in America would view the loss of their unborn child through violent means as merely symbolic. Certainly not Tracy Marciniak, whose unborn child was murdered by her husband. She told the Subcommittee on the Constitution, referring to the substitute amendment which we will be dealing with later, "Please don't tell me that my son was not a real murder victim," and, "Please remember Zachariah's name and face" when you vote on a substitute amendment that refuses to allow a separate charge for the killing of a wanted, unborn child.

Shiwona Pace, whose unborn child Heaven Sashay was brutally murdered by three hired hitmen, has also testified that, "It seems to me that any Congressman who votes for the 'one-victim' amendment," in other words, the substitute, "is really saying that nobody died that night. And that is a lie."

Indeed, because unborn victims are distinct victims, the Unborn Victims of Violence Act is also referred to as Laci and Conner's Law, for Laci and Conner Peterson, two recent victims of terrible violence.

Opponents of the legislation before us today claim it will open the door to all manner of terrible imagined future legislation, but the only door this legislation opens is the door to a distinct room in the edifice of the Federal Code in which unborn victims of violence can be granted the distinct respect they are owed. Just as expecting mothers reserve space in their home for wanted and loved unborn children, we in Congress should reserve for unborn victims of violence a distinct place under the protective shield of criminal law by providing for a separate offense when they are violently killed or injured. The American people consider the murder of an unborn child distinctly offensive, and they demand that the murder of an unborn child be a distinct offense under Federal law, and I urge its passage.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman said a moment ago that in the Innocent Child Protection Act of 2000 we made settled law the personhood of the fetus. It is not correct. In the Innocent Child Protection Act of 2000, we simply said that a pregnant woman could not be executed, and we defined a pregnant woman as someone who had a child in utero, and then defined, as the chairman said, the words "child in utero."

It is not what we are talking about here. For the purpose of saying you cannot execute a pregnant woman, we have defined what a pregnant woman means. That is all that bill did.

This bill seeks to establish a fetus as a separate legal person by giving it separate legal rights in order transparently to make it a separate legal person within the meaning of the 14th amendment that says no person shall be deprived of life, liberty or property without due process of law. That is exactly the opposite of what the Supreme Court said when it said we have never held a fetus to be a person in the full meaning of the term. This bill is an attempt to whittle away at that term.

The distinguished chairman of the subcommittee says we have to acknowledge the particularly heinous nature of the crime, and indeed, we do. The Lofgren substitute acknowledges the assault on the fetus as a separate crime to be separately punished, to be additionally punished, but a separate crime against the woman because her interest in carrying that pregnancy to term and bearing a healthy baby is assaulted.

□ 1045

It does not recognize it as a separate crime against a separate person, which is the object of this bill and what we are debating, and which is why this bill, despite the disclaimers of the proponents, is a direct assault on Roe v. Wade, a direct assault on abortion, and if all they are interested in is to make a separate crime when you assault a

fetus, when you harm a fetus, then the Lofgren substitute is perfectly adequate for that. But their aim is to damage the right to choose, and that is the real purpose of this bill.

Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this terribly misguided bill. The bill before us today would give a fetus the same recognition as you or I for the first time in Federal law. Let me make something perfectly clear. The loss of a pregnancy under any circumstances is absolutely devastating to a woman and her family. Those who injure or kill a pregnant woman should be severely punished, and families should have the legal tools to have their loss recognized.

Instead of addressing the real issue at hand, the horrible pain for a woman who loses a pregnancy to an act of violence, this bill sends a message that women do not deserve to be safeguarded or valued in their own right; that it is only through their fetuses that they are entitled to any Federal protections against violence. This, in my judgment, is the wrong approach. Of course the woman matters. She matters when the baby is conceived, she matters when the baby is developing in utero, and she matters when the child arrives in the world; yet this bill does not make it a Federal crime to attack a pregnant woman. In fact, its sponsors have explicitly rejected amendments to protect a woman herself under Federal law.

The Lofgren substitute would do just that. It would severely punish crimes against pregnant women without undermining Roe v. Wade. It gets us to the same ends without the overtly political means.

If my colleagues want to crack down on criminals who attack pregnant women, support the Lofgren substitute. If my colleagues want to protect women from violence, let us fully fund the Violence Against Women Act.

Finally, if my colleagues are serious about protecting the unborn, let us focus on giving babies the best start we can by promoting the health of women throughout the entire pregnancy.

The Unborn Victims of Violence Act is not about shielding pregnant women or fetuses from violent acts, it is and has always about been undermining freedom of choice. Instead of finding new ways to revisit the divisive abortion battle, I believe Americans want us to focus our efforts on ways of providing women with access to prenatal care, affordable contraception, health care and violence prevention.

If we truly want to protect women and their pregnancies from harm, let us work together to enact legislation that deters and punishes violence against women without unnecessarily engaging in the abortion debate.

I urge my colleagues to vote no on H.R. 1997 and to support the Lofgren substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. HART), the principal author of the bill.

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

Ms. HART. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and my subcommittee chairman, the gentleman from Ohio (Mr. CHABOT), for their hard work on this issue throughout the time I have spent in Congress over the last 3 years and throughout the time I have been the principal sponsor of this legislation. They do have women and families in mind, as I do and as the supporters of this bill do.

It is interesting rhetoric when it is claimed that prosecution of a crime against a woman or an allegation against a perpetrator of a crime against a woman is not happening. It is already against the law to attack a woman and cause her injury or death. That should not be a surprise to any of us. It is not, however, on the Federal level a crime to attack a woman and cause injury or death to the unborn child as a separate crime.

There are two victims in these kinds of crimes. That is so clear from the Laci and Conner Peterson case. The family came to visit us and asked that we name this bill after Laci and Conner Peterson in remembrance of them. That family showed us what the real loss is. They have lost a daughter, Laci Peterson, and their grandson Conner. That cannot be restored by enhancing the penalty for the attack against Laci Peterson. It cannot be restored at all; but the least we can do as lawmakers is recognize the loss to the family. It is shocking to me that anyone would support a substitute to the legislation that recognizes what families who have gone through this tragedy have asked us to do.

Studies have shown, unfortunately, that domestic violence against pregnant women is prevalent, that fully one-quarter of women who are pregnant who die are victims of homicide. These families are crushed when this happens. They lose the woman, and they lose the hope of the child for the future.

This bill is all about recognition of a family's loss. It is about prosecution of a terrible crime. This bill is about making sure that we recognize what is really happening in these kinds of crimes. Numerous reports show us that the motivation behind a crime against many of these pregnant women is the fact that she is pregnant, the fact that she has chosen to carry a child makes someone angry, and it makes someone angry enough to attack her and her unborn child.

Mr. Speaker, we recognize unborn children with inheritance rights. This Congress recognized unborn children enough to prevent the execution of a pregnant woman in prison. It is about time we recognize for that family who has suffered a grave loss a crime against that woman and her unborn child with a two-victim bill such as this. I encourage my colleagues to support H.R. 1997.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me this time.

It is actually insulting and certainly annoying that there is some sort of accusation that those of us who think that the substitute is preferable do not care about women and do not care about the babies that they are carrying. As a mother, as a grandmother of four children, we have to recognize this bill for what it is. If we want to go after protecting pregnant women, we ought to go after protecting pregnant women, not about threatening to take away their right to choose, which this is a thinly veiled effort to do because we are trying to create a special status of human being, of a fetus, of an unborn child. While I kind of admire the strategy, it does not get to the heart of this issue.

The proponents say we have to have this bill to protect pregnant women from violence, but the truth is this bill does not even address crimes committed against the woman at all, it only addresses the new crime created in this bill, which is a crime against a zygote, an embryo, a fetus. Furthermore, this bill would not even apply to the tragic Laci Peterson, as we understand the facts of the case, and as is true in the vast majority of domestic violence cases. Those crimes are covered by State law and not Federal law.

H.R. 1997 only touches on few and rare instances when pregnant women could be harmed by someone committing a Federal crime. The undisputed aim of this bill is to move forward a calculated antichoice agenda in which embryos and fetuses are codified into law as humans with all of the human rights afforded people in our society. This would bring us one step closer to overturning Roe v. Wade and taking away a woman's constitutional right to choose.

Instead, if we truly care about protecting pregnant women from violence and creating stiffer penalties for those who harm pregnant women, we should pass the substitute to this bill, known as the Motherhood Protection Act. The substitute recognizes that the pregnant woman is a victim when she is assaulted, instead of making the fetus distinct and separate from the woman, which anybody who is pregnant or has been pregnant knows is really not when you are carrying that child. The substitute classifies assault against her and assault on her pregnancy as two crimes, both crimes against the woman. Unlike H.R. 1997, the substitute gets to the heart of the matter: protecting pregnant women from violence.

I urge my colleagues to vote no on H.R. 1997 and yes on the substitute amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I appreciate the gentleman from Wisconsin (Mr. SENSENBRENNER) yielding me this time, and I profoundly appreciate the work of the gentlewoman from Pennsylvania (Ms. HART) on this issue, as well as the work of the chairman and the subcommittee chairman, the gentleman from Ohio (Mr. CHABOT).

I urge Members to vote against the Lofgren substitute amendment. At issue today is whether there is one victim or two. When a pregnant woman is murdered, there are two victims. When a pregnant woman is injured and her baby dies, the law must recognize that and punish her violent attacker.

Pregnant women deserve the full protection of our laws. When Laci Peterson and Conner Peterson were killed, there were two victims. This substitute treats Laci's child as if he never existed. Conner did exist. Laci and her family were looking forward to his birth. If we allow Federal law to recognize only one victim, we are guilty of covering up for the criminal who robs an expectant mother and in other cases the father and the rest of the family of their baby. Grieving family members need to know that criminals will pay the full price for killing their son or daughter and that society recognizes their loss. No woman should ever be told she has lost nothing when she loses her unborn child to a brutal attacker. Women deserve better than this. We should recognize her injury, and we should pursue justice.

Roe v. Wade may, and I pray temporarily, provide for a woman to decide temporarily the fate of her unborn child, but this does not affect the Roe v. Wade decision. What we are proposing is someone else stepping into the shoes of the mother. I urge Members to vote for Laci and Conner's law, the Unborn Victims of Violence Act, and I thank the sponsors of this bill, the chairman of the committee, and the folks who have worked so hard.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Iowa just hit the nail on the head. He said the purpose of this bill is to recognize that there are two victims, two people involved in this. That is exactly the point of this bill, and that is exactly why we should not pass this bill without the Lofgren substitute. I am glad the previous speaker and some of the other speakers on the other side stripped away the false rhetoric on this bill. This bill is not about punishing an assault on a fetus separately; the substitute as well as the bill does that. This is not about giving it an additional punishment; the substitute as well as the bill does that.

This is about saying that there are two victims, not one victim; that the fetus or the embryo or the zygote, depending on the status of the pregnancy, is a separate legal person. That is the point of the bill. That is why we must have the substitute, why we cannot agree to the bill, because the whole point of the bill is to establish legally separate fetal personhood, which would undermine the entire rationale of Roe v. Wade and undermine a woman's right to choose, because if a fetus is a separate legal person, how can she choose to terminate the pregnancy?

This is revolutionary notion going way back to Biblical law. If we look at the original Five Books of Moses, it says very plainly if you assault a woman and she dies, you should be put to death. And if you assault a woman and she miscarries, you shall pay her monetary compensation. In other words, by killing the fetus, you have damaged an interest of the woman for which she is due compensation, but you have not committed murder as you have if you kill the born person, the woman.

So we have never in our history recognized a fetus as a separate legal person. The Supreme Court in Roe v. Wade specifically says we have never recognized a fetus as a separate person.

□ 1100

If we were to do so, then we would get into the 14th amendment question that you cannot deprive a person of life, or liberty or process, without due process of law; and that is the purpose of this bill. That is the purpose of similar bills in the State legislatures, I suspect, to give underpinning to a future Supreme Court majority to say that we recognize a fetus as a person within the meaning of the 14th amendment and, therefore, abortion is murder and, therefore, Roe v. Wade is overruled and, therefore, States have no right to legalize murder and you would need a constitutional amendment to permit abortions in this country.

That is the real point of this bill. And strip away all the disingenuous rhetoric about everything else, because everything else we agree on. We agree that there ought to be an additional penalty if you harm the fetus when you assault a woman. We agree that it should be a separate additional crime. The only question here between the bill and the substitute is should the separate additional crime for harming the fetus be a crime against the woman as we say, an additional separate crime against a woman deserving an additional separate penalty? Or should it be an additional crime against a second person, the fetus being recognized as a person?

That is the issue in this bill and this substitute. To say that it is not and to quarry the abortion debate is quite simply disingenuous. That is why the bill was introduced. That is why they are pushing it. It is why we are opposing it.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let us get back to the Innocent Child Protection Act, which passed the House unanimously on July 25, 2000. The purpose of that bill, which is law today, was to prevent the killing of a child in utero because of the mother's crimes causing the death penalty to be imposed. There the legislation, again which was signed into law, defined the child in utero as a human being at any stage of development who is carried in the womb. So that we decided and we made law 3½ years ago when the Innocent Child Protection Act was passed.

I would note that the three Members on the other side of the aisle who have spoken against the current bill all voted in favor of the Innocent Child Protection Act and the definition that I have just repeated for, I believe, the third time.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman for yielding me this time.

Mr. Speaker, I commend the gentlewoman from Pennsylvania, and I rise in strong support of H.R. 1997, the Unborn Victims of Violence Act, and in strong opposition to the single-victim substitute.

Let me take my time to try to put a little face on this issue and a human perspective. I want to call my colleagues' attention to the poster to my left. This is a picture of my grandchildren. My granddaughters, Ali and Hannah, are now 6 years old. They were born at 26 weeks, each weighing 1 pound 12 ounces. Thank God their brother, little Hank, who is 3 years old, has two precious siblings. My daughter and son-in-law have three precious children. My wife, Billie, and I are very proud grandparents.

As a physician, I know that Laci Peterson at 8½ months pregnant, little Conner probably weighed three times as much as my granddaughters did at their birth, weighing 1 pound 12 ounces. A strategically directed blow to her abdomen, or any woman's abdomen, at 8 months pregnant could result in just a minor bruise, a contusion to the mother, yet the death of the child, a child that within weeks would have been born fully well.

Yet in this substitute amendment, what would happen? Instead of the perpetrator of this crime getting slapped on the wrist, they would get slapped on both wrists. Yet that child would be dead, and that family would be robbed of a life. I think it is utterly ridiculous.

They keep saying that we do not care about the mother. There are laws to protect the mother against violence that exist, but we have got another victim in these crimes and this puts a human face on it. I ask my colleagues to reject the substitute amendment and support the bill, H.R. 1997.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise in support of the Unborn Victims of Violence Act. I thank the gentlewoman from Pennsylvania for her leadership on this important issue.

Poll after poll show that the vast majority of Americans believe that if someone attacks or murders a pregnant woman and kills her unborn child, then the criminal should be charged with two separate crimes. Sixty-nine percent of registered voters who call themselves pro-choice also agree that violent thugs should be charged with two offenses if they kill a woman's unborn child during the commission of a brutal crime.

The widespread support by the American people is reflected here in the House of Representatives where we have passed this legislation twice before, each time by impressive margins, and each time with both parties working together. As of today, 29 State legislatures have overwhelmingly passed their own laws recognizing two victims in a violent crime against a pregnant woman. This number is growing with each passing day.

I would like to read to my colleague from the Old Testament. He mentioned that. Exodus 21:22–23. I could also go to the Talmud. It is also observed in the Talmud the same thing that is in the Old Testament, namely, ''If men strive, and hurt a woman with child, so that her fruit depart from her, and yet no mischief follow: he shall be surely punished, according as the woman's husband will lay upon him; and he shall pay as the judges determine. But if any mischief follow, then thou shalt give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.''

I think it is clear that if the mischief includes the death of the embryo, of the live human being in the womb, then it is eye for eye, tooth for tooth. I urge the passage of this bill.

I. INTRODUCTION

Mr. Speaker, I rise today in support of the ''Unborn Victims of Violence Act.''

II. BROAD PUBLIC SUPPORT OF H.R. 1997

It's always satisfying when we get to debate and vote on legislation that has such broad, bipartisan support across the country.

How broad is this support? Poll after poll show that the vast majority of Americans believe that if someone attacks or murders a pregnant woman, and kills her unborn child, then that criminal should be charged with two separate crimes.

How bipartisan is that support? 69% of registered voters who call themselves ''pro-choice'' also agree that violent thugs should be charged with two offenses if they kill a woman's unborn child during the commission of a brutal crime.

This widespread support by the American people has been reflected here in the House of Representatives, where we have passed this legislation twice before, each time by impressive margins, and each time with both parties working together.

And as of today, 29 state legislatures have overwhelmingly passed their own laws recognizing two victims in a violent crime against a pregnant woman.

This number is growing with each passing day.

III. LEGAL AND ACADEMIC SUPPORT FOR H.R. 1997

In the academic and legal world, there is a consensus that these efforts will strengthen our criminal justice system, and agreement that this legislation is perfectly constitutional.

In terms of our criminal justice system, it's clear that this law will serve as a deterrent to future attacks on women of childbearing age.

This is important because in Maryland, New York and Illinois, homicide is the leading cause of death among pregnant women.

According to a recent study, up to 324,000 pregnant women will experience physical violence in the United States this year.

If we join those 29 states in enacting this legislation, we are telling potential attackers that they will face two times the punishment for hurting a pregnant woman.

Would-be attackers need to know that they could be charged with the murder of an unborn child if they attack his mother.

By creating legal consequences for killing an unborn against her mother's will, the law will provide greater protection for women from crimes of violence.

Indeed, in 1990, the Supreme Court of Minnesota said, in upholding the conviction of a man with two counts of murder, that ''The possibility that a female homicide victim of childbearing age may be pregnant is a possibility that an assaulter may not safely exclude.''

From an academic point of view, scholars are in agreement that laws protecting unborn children from violence are constitutional.

The U.S. Supreme Court refused to strike down Missouri's unborn victims of violence law because it ''does not by its terms regulate abortion.''

Every single unborn victims law passed by state legislatures that has been challenged in court has been upheld.

A large number of pro-choice scholars concede that this bill will not infringe upon anyone's rights.

IV. MORAL REASONS TO SUPPORT H.R. 1997

Not only does this legislation make sense from a legal point of view, it's also compassionate.

It's compassionate because we are saying to these women and their families, ''You have intrinsic worth, and your unborn baby's life had meaning, too.''

No woman should ever be told she lost nothing when she loses her child to a brutal attacker. Women deserve better than this.

Even the Bible has something to say about violence against pregnant women. Exodus 21:21–23 tells how if a woman is harmed and her baby is uninjured, then the punishment is only for what happened to the woman. But if a woman is harmed and her unborn child subsequently dies, then the attacker ''shalt give life for life.''

CONCLUSION

As I've said, it's good when we get to take up an issue on which the vast majority of Americans agree.

But what's most important is that what we are doing today is the right thing to do.

It's time to make the law apply to federal jurisdiction, so that if a man stalks his pregnant wife across state lines and attacks her, or commits any other federal crime, injuring her and killing their unborn child, that man can be prosecuted under federal law for the loss of the baby's life.

Passage of ''Laci and Conner's'' law is a win-win situation on every level—for the American people, for our criminal justice and legal systems, and for the protection of pregnant women and their unborn children.

The only losers with this bill are the cowardly criminals who would dare attack a pregnant woman. They'll be getting what they deserve.

Mr. Speaker, it's time to do the right thing and pass the Unborn Victims of Violence Act.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Florida mentions various polling data that large majorities of people who are polled say that someone who attacks the woman and harms the fetus, that there are two separate crimes here. There is no dispute on that point. We agree with that. There are two separate crimes. The substitute as well as the bill in chief make it two separate crimes. That is not at issue. What is at issue is who is the victim. The substitute says it is a separate crime against the woman. Two crimes, two punishments for separate crimes against the same victim. The bill says two victims. That is the distinction here. Are there two crimes? Yes, we say. Yes, they say. Are there two victims? Yes, they say from a legal point of view. No, we say, she is the victim of a second crime because the law does not recognize the fetus as a full person.

That is what this bill seeks to do. So it is not a question of two separate slaps on the wrist. We ought to punish the crime severely. The substitute punishes the crime as severely, in some cases more severely than does the bill. The question is do you recognize one victim or two victims, because there are legal consequences, there are juridical consequences, there are consequences of undermining Roe v. Wade and the right to choose based on whether you say this fetus is a person for legal purposes or simply that you say the woman is a victim twice and we will punish it appropriately. That is the question, not whether there are two crimes.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to express my support for H.R. 1997 and to oppose any substitute that would nullify its intent.

H.R. 1997 protects unborn children whose mothers are physically assaulted or killed in the commission of a Federal crime. The majority of States currently recognize prenatal injury or death resulting from violence inflicted on the mother as a crime against two victims. H.R. 1997 allows the Federal Government to similarly recognize this dual crime when it occurs within their jurisdiction and prosecute accordingly.

On January 7 of this year, 18-year-old Ashley Lyons and her unborn son,

Landon, were murdered in Scott County, Kentucky. Carol Lyons, Ashley's mother and Landon's grandmother said, ''Nobody can tell me that there were not two victims. I placed Landon in his mother's arms, wrapped in a baby blanket that I had sewn for him, just before I kissed my daughter goodbye for the last time and closed the casket.''

Mr. Speaker, 3 weeks ago, the Kentucky State House correctly approved legislation to redress single victim prosecution. I urge my colleagues in this Federal body in the name of unborn victims like Landon Lyons to protect unborn victims of violence by voting in favor of this bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in full support of H.R. 1997, the Unborn Victims of Violence Act. I commend those who have come before me in previous years for their work, and I commend the gentlewoman from Pennsylvania for her work now in bringing this issue to the floor.

Violence against a woman who is pregnant with an unborn child is a hideous and tragic act that must be punished accordingly. To my left here is a photograph, this is the first time I have seen this photograph recently, of Tracy Marciniak and her little baby. I would challenge anyone who knows the story, that she was beaten, she survived the beating but her little baby did not. I would challenge anyone from the other side of the aisle who would look at this photograph and say that this is a fetus in her arms. No, I would say this is her baby in her arms. And when a baby, born or unborn, is taken away from her mother, the offender must be punished.

This is commonsense legislation. Once it is passed, it will work to deter violence against women and their unborn children as well. As has been stated by other people already, one of the leading causes of violence and death to women in many States is in fact homicide of pregnant women.

I would urge all Members of good faith on both sides of the aisle to do what is right for society, right for women, and right for the innocent victims in this Nation and vote in favor of this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), a member of the committee.

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

Mr. PENCE. Mr. Speaker, I thank the chairman for the opportunity to speak in strong support of the Unborn Victims of Violence Act. As a member of the Committee on the Judiciary, there are many times that we deal with issues that are along the fault lines of the cultural debate; and I am a pro-life Member of Congress, and I do not apologize for that. But I rise today in support of what has come to be known as Laci and Conner's Law to say from my heart that this is not about abortion. This is not about the thorny issues that surround the debate over a woman's right to choose or the right to life; but, rather, this is simply a law about justice.

The reality is that fetal homicide laws, which is a characterization of the Unborn Victims of Violence Act, are already the law in 29 States in the United States of America. And what Congress seeks to do today, with the strong leadership of the chairman of the committee and the authorship of the gentlewoman from Pennsylvania, is, in effect, to have Federal law catch up with those 29 State laws.

□ 1115

That this is not about abortion is specifically stated in the law itself that provides that it does not apply to any abortion to which a woman has consented to any act of a mother herself, legal or illegal, or to any form of medical treatment. It is not about abortion or a cultural debate. It is about justice.

And with regard to those who would argue for the view that when a woman is attacked and both she and her unborn child are injured that there is only one victim, I close citing the words of the mother of Laci Peterson and the grandmother of Conner Peterson, who speaks more eloquently and more powerfully than any of us can here today:

''I hope that every legislator will clearly understand that adoption of such a single-victim amendment would be a painful blow to those, like me, who are left alive after a two-victim crime, because Congress would be saying that Conner and other innocent unborn victims like him are not really victims, indeed, that they never really existed at all. But our grandson did live. He had a name, he was loved, and his life was violently taken from him before he ever saw the sun.''

I thank the gentleman for yielding me this time, and I strongly support the Unborn Victims of Violence Act.

Mr. NADLER. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from New York for yielding me this time, and I respect greatly my colleagues on a very tough and emotional debate.

Yesterday, I rose on the floor of the House to indicate that I do not think one will find any division, any schism in this House on the value and the need for the protection of all Americans, all of us within the boundaries of this Nation against violent and horrific acts. And certainly the murder and the violent assault and action that would injure anyone in this country deserves the full force of the law, and I stand here today supporting that concept. So I would argue vigorously that if one does the crime, they need to pay the time.

It is interesting that we come to the floor today just a few days shy of the tragedy of the Peterson family and the beginning of that trial in California. So it would seem that we urgently need to move forward because of that tragedy. It is interesting to note that as that trial is proceeding, those prosecutors feel fully confident of their case, as I am sure the defense of theirs, but they are moving forward to protect the victims of that tragic crime. So it begs the question as today as to why this body would choose to ignore and reject standing law that has allowed a woman to choose now for more than 2 decades under the Roe v. Wade case and why under H.R. 1997 it is now represented as a necessary legislative act to protect a pregnant woman. I cannot imagine why the substitute that we have now crafted, the gentlewoman from California (Ms. LOFGREN) so studiously designed, that in actuality creates a separate Federal criminal offense for assaulting a pregnant woman resulting in injury or termination of a pregnancy without entangling the issue in the question of choice.

We have come to this floor on many occasions in a side-winding way to undermine the law of this law. One may not agree with Roe v. Wade, but the determination is that a woman now in this Nation has the right to choose on the basis with her engagement with her family, engagement with her spiritual leader, and her personal needs. We are responsible for abiding by the law, and for my colleagues who continue to chip away at the rights of physicians to make a determination on a woman's health when it is necessary to abort a fetus so that that woman can be preserved to recreate again, here we go again with an attempt now to suggest that an unborn child or fetus is not protected when a tragedy occurs by the laws of this land.

We have an alternative. We have a substitute that creates a separate offense so that we do not criminalize the doctor or the mother when there is a need and a necessity to choose to terminate a pregnancy.

Why do we go over this over and over again? Where is the respect for women who have asked to make an independent choice? Those who choose not to abort, we respect that decision. Those who for personal reasons make the choice, the law stands on their side. And I will not come to this floor to participate in frivolity, and it does not make sense that we would come to the floor of the House and suggest not only to our colleagues but to the American people that there is no relief when there is an attack on a woman that is pregnant.

For in this bill, H.R. 1997, it is clearly focused at criminalizing the acts of

women if they decide to choose to terminate a pregnancy. And why do I say that? Because what the bill does is it recognizes a member of the species homo sapiens at all stages of development as a victim of crime from conception to birth. This attempts to afford a fetus, embryo, and even a fertilized egg rights and interests separate from and equal to those of the woman. There is no recognition of the crime against the woman.

So, Mr. Speaker, this is what our angst is with this misrepresentation. This is not to ensure that a pregnant woman who would be violently attacked and may lose her life and that of the child that she may be carrying be protected, but it is to suggest that one may do anything that may be a violent act against that particular embryo that that woman is carrying, and that means that it is subjecting a woman to possible criminal acts for a choice that she may make, one to save her life or to provide for her health.

This substitute that we are promoting tells the real truth, and the real truth is that we can provide a separate offense to protect against that terrible and heinous act for assaulting a pregnant woman resulting in an injury or termination and we can create an offense that protects pregnant woman and punishes violence resulting in injury or terminations of a pregnancy without conflicting with the core principles of Roe v. Wade.

I only ask my colleagues that there are few occasions where we may seek reason and there are few occasions where we might understand that we are not here for ourselves, but for the people we represent. The law of the land is Roe v. Wade. I will join any Member to protect against violence of pregnant women; but I cannot stand here while legislation goes through this House, and, unfortunately, it may pass today, that in any way disregards the standing law of the land and represents to the American people that we have no other alternatives but to undermine Roe v. Wade. A woman has a right to choose or choose not. It is not my intention to promote any position other than to say that this body must follow the law.

I ask my colleagues to oppose this particular legislation, the underlying legislation of H.R. 1997, and support the Lofgren substitute; and I ask most of all that we abide by the Constitution and respect the laws of this land so that the American people can know the truth and that women in this Nation can truly be protected.

Mr. Speaker, I am saddened to be here today, to once again stand up for the pro-choice movement and deflect efforts made to undermine it. This is not the first time we have visited this issue, and I fear it will not be the last.

Violence against women, especially pregnant women, is unacceptable and should be punished. I, along with the pro-choice community, are dedicated to preserving a woman's right to have a family when she chooses—and any criminal act that robs her of a hoped-for future child is tragic and intolerable. Rather than supporting such common-sense measures, my colleagues are instead promoting the Unborn Victims of Violence Act (UVVA), described as ''a sneak attack on a woman's right to choose.'' The loss of a wanted pregnancy is a tragedy, but solutions should be real, not political.

WHAT UVVA DOES

The Unborn Victims of Violence Act erodes the legal foundation of a woman's right to choose by elevating the legal status of all stages of prenatal development. If enacted, the legislation would be the first Federal law to recognize a fertilized egg, embryo, or a fetus as a person who can be an independent victim of a crime. Our Supreme Court has held in Roe versus Wade that fetuses are not persons within the meaning of the fourteenth amendment. Nowhere in this legislation is the harm to the woman resulting from an involuntary termination of her pregnancy mentioned. In fact, the pregnant woman is not mentioned at all.

We have States laws that already address crimes committed against pregnant women. The majority of States have statutes on the books that address criminal conduct that results in harm to a pregnancy. Many States punish murder or manslaughter of an ''unborn child,'' as that term is defined by the State law. Some States punish assault, battery, or other harm resulting in injury or death to an ''unborn child,'' as that term is defined in State law. For other States, if a crime committed against a pregnant woman results in termination of or harm to a pregnancy, the harm to the pregnancy is an adjunct to the crime or may be used as a sentence enhancement.

BETTER ALTERNATIVES

I am also here today to support Congresswoman ZOE LOFGREN's substitute, the ''Motherhood Protection Act'' (MPA). This is a crime bill that designed to protect pregnant women from violence. MPA embodies many of the same principles that I offered as amendments in the House Judiciary Committee, where this bill was originally introduced. I have always supported the intent of this bill, to protect the life of the pregnant mother who has suffered as a victim of a crime of violence and the viability of her pregnancy. However, I oppose the means by which the drafters of this bill have used to achieve its end. Like MPA, all my offered amendments referred to changing language in the bill, focusing on the pregnant mother instead of the fetus.

The MPA creates a second, separate offense with separate, strict, and consistent penalties for assault resulting in the termination of a pregnancy or assault resulting in prenatal injury.

MPA recognizes the pregnant woman as the primary victim of an assault that causes the termination of her pregnancy, and it creates a separate crime to punish this offense. In this way, the bill accomplishes the stated goals of the Unborn Victims of Violence Act—the deterrence and punishment of violent acts against pregnant women—while avoiding any undermining of the right to choose.

This bill fails to address the very real need for strong Federal legislation to prevent and punish violent crimes against women. Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood.

Congress can protect pregnant women from violence without resorting to controversial bills like Unborn Victims of Violence that undermine Roe v. Wade. We must take strong steps to prevent such attacks and must recognize the unique tragedy suffered by a woman whose pregnancy is lost or harmed as a result of violence. I am calling on Congress to support tough criminal laws that focus on the harm suffered by women who are victimized while pregnant, as well as a range of programs that promote healthy childbearing and family planning.

While I am pleased to see the Bush administration taking an active interest in women and children, I hope they will see their goals can be met in other areas. I would like to see the Bush administration focus their efforts on caring for a pregnant woman by providing her decent medical care. I hope the Bush administration ensures more happy pregnancies and births, both with proper family planning and prenatal care. I call on the Bush administration to have to care for the millions of children already living and breathing in our country, but go to school in overcrowded classrooms and dilapidated buildings.

We have a wide range of programs in place to help woman and children. I would like my colleagues to spend more time encouraging and funding these, rather than once again undermining a woman's attempt to choose.

I fully support a woman's right to choose, including a woman's right to choose to carry a pregnancy to term. Because Unborn Victims of Violence does nothing to protect women and because its clear intent is to create fetal personhood, I, along with Planning Parenthood Federation of America, oppose this legislation. Congress should adopt a more reasoned approach that would protect all women from violence.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the women who are the victims of the violence that has caused death or harm to their babies have already made their choice, and their choice was to carry their babies to term and to give birth and to raise those children in hopefully a nurturing and loving household. To say that this legislation takes away the choice of a woman is just flat-out wrong. Maybe some people disagree with the choice that that woman made, but that is a personal choice; and we ought to recognize that this legislation respects that personal choice.

And then to hear that this legislation is an assault on the Constitution is completely missing the point. The Supreme Court has consistently upheld fetal homicide laws, two-victim crime laws. The Webster case, I think, was the most emphatic upholding of that, and that is a Supreme Court that has also consistently refused to modify Roe v. Wade or to overrule it. So the Court has been able to make a distinction which apparently some of the Members on the other side of this argument have not been able to make, that fetal homicide laws are constitutional, two-victim crime laws are legal as well.

Now, I hope that more Members would have been able to hear the arguments that were advanced by the gentleman from Georgia (Mr. GINGREY),

who was an obstetrician by profession before he was elected to Congress. He has said that in some instances a minor bruise on the abdomen of a pregnant woman can result in the death of the child. If all that someone can be prosecuted for is that minor bruise, then the full force of the law against someone who has caused the death of another would not be able to be imposed against that defendant without a two-victim bill. And that is why two victims is so important. It is important, it is constitutional; but, most of all, it respects the right of the women who have decided that they do not want an abortion, that they want to give birth, and they want to raise the child with all the love that a newborn child deserves.

Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I thank the chairman for yielding me this time.

Of course, as has been said on numerous occasions this morning, we are considering the Unborn Victims of Violence Act. I joined 136 Members of this body to cosponsor this legislation, and I want to commend the gentlewoman from Pennsylvania (Ms. HART) for her sponsoring this legislation this morning. I do believe the time has come for the House to pass this legislation again and help ensure that it is signed into law. And again, as has been stated this morning, this legislation takes an important step that recognizing that violence against an unborn child, against the will of a mother, can be prosecuted in the Federal courts.

This law is very simple. It would establish that if an unborn child is injured or killed during the commission of an already defined Federal crime of violence, then the assailant may be charged with a second offense on behalf of the second victim, the unborn child. This bill recognizes an unborn child as a separate victim in the eyes of the Federal law.

I have supported this law previously; but as I stand here today, the bill takes on a little bit different meaning. My wife, Caroline, is due to give birth on Monday in Alabama to our second child; and looking at her and feeling the baby move and seeing the sonograms, I do not think there is a shadow of a doubt that the child is a child. This child certainly deserves the full protection of the law.

Caroline reminded me just a few weeks ago that she and Laci were at about the same stage of their pregnancies during the Christmas holidays, and of course that is when she was killed during that time. So it, like I said, takes on a special meaning not only for me but also for my wife, Caroline. But if something should happen to any mother or to any child who is in the womb and they become a victim of a crime, I think the American people would want to see justice on behalf of both individuals, the mother and the child.

So I respectfully ask my colleagues this morning to send a strong message to the Senate and to the President that our goal is to protect the most vulnerable and the most innocent among us.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman, first of all, I congratulate him for endorsing the right to choose. But second of all, he talked about the woman who has chosen to bear her pregnancy to term, to have a child, and an assault which destroys her fetus or damages her fetus is an assault on her right to choose, and indeed it is. He is entirely right. That is why the substitute makes the assault on her fetus a separate crime with a separate penalty against her because it is indeed an assault on her right to choose to carry that pregnancy to term, and she is the damaged party because she has lost her right to carry the pregnancy to term. She has lost her right to bear a child, and that is why in the substitute we make it an additional crime against her.

□ 1130

The bill, of course, makes it a separate crime against the fetus, and that is the question here.

Also, the distinguished gentleman from Florida (Mr. STEARNS) quoted Exodus 21:22. He said it was 22:22, but it is 21:22. He misquoted what it said. Before I read it, let me be very clear: I did not raise this reference to the Bible because I think we ought to enact Biblical or religious law in this Chamber, far from it, but simply to show it has always been regarded, our civilization generally has regarded back to Biblical times the fetus as not having the status of a separate person.

Exodus 21:22 reads as follows: ''If men strive and hurt a woman with child so that her fruit depart from her,'' in other words, she has a miscarriage, they cause the destruction of the fetus, ''and yet no mischief follow, he shall be surely punished and he shall pay as the judges determine,'' monetary compensation. ''And if any mischief follow, then they shall give life for life.''

Now, I am not sure what the Bible means by ''mischief.'' I have an interpretation here from a rabbinical source that says it means if she dies.

But, in any event, if she does not die, if mischief does not follow, if she has a miscarriage, monetary compensation. It is only when mischief follows, when she dies, that he is guilty of a capital crime. That is precisely because at least the Bible did not consider the fetus to be a person for whose killing it is a capital crime, as killing a born person is.

Again, I cite this not because we are bound in enacting civil law to enact Biblical law, we are not, obviously, but simply to show, as I mentioned earlier, this bill, by trying to establish the fetus as a separate person for legal purposes, is a radical departure not only from Anglo-American legal traditions, but from all of Western legal traditions going way back to the Bible.

Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for his leadership on this issue and so many others. I really rise in strong opposition to this bill and in support of the Lofgren amendment.

In a country in which up to two-thirds of battered women are turned away from shelters for lack of space, in no way does this bill combat domestic violence. But no one should be naive enough to think that this bill has anything to do with domestic violence. Instead, this is another step down the slippery slope toward granting personage to fetuses. This sets up an untenable situation in which a fetus' rights and interests are at odds with its mother.

To make the fetus a person would inject a layer of legal complexibility that would make every pregnant woman's ordinary decisions perilous, opening her medical and other choices to second-guessing liability or even criminal charges. This bill criminalizes actions that can occur at the very earliest phases of pregnancy, making every miscarriage subject to an investigation.

Roughly 20 to 25 percent of all pregnancies end in miscarriage. Usually there is a genetic reason, but sometimes there is another cause. Studies show that miscarriages can occur because of excessive coffee drinking, smoking, exposure to chemicals, illness, stress or trauma during an accident. Since culpability accrues whether the perpetrator knows the woman is pregnant or not, a wide variety of relatively innocent actions could lead to charges.

If someone comes to work, for example, with German measles, knowing that they could infect a fellow worker, could they be guilty of manslaughter? Will Starbucks have to post signs advising pregnant women that they cannot buy more than two cups of coffee per day? Will car manufacturers face imprisonment for miscarriages caused by steering wheels, seat belts or air bags? Will airlines face criminal charges if they permit pregnant women to fly? Will bodega owners be charged for selling pregnant women cigarettes?

If this bill is really about violence against pregnant women, then we should pass the Lofgren amendment and increase penalties against people who harm a pregnant woman. Let us step off the slippery slope and reserve personage to the born.

This bill is also another chipping away at a woman's right to choose. This body recently passed the so-called partial-birth abortion ban, which ignored the health and life of a woman. Now this bill before us today, once again, ignores the health and life of a woman.

I have kept a scorecard of antichoice actions since the Republican majority took over in 1995. If this bill passes today, it will mark the 202nd action against a woman's right to choose, which is exactly what this bill is intended to do. We heard it straight from Senator HATCH's mouth last July when he commented on this bill: ''They say it undermines abortion rights. It does. But that is irrelevant.''

It is insulting that the authors of this legislation would use violence against women as a vehicle to attack a woman's right to choose.

Let me say it again, this bill does nothing to address the violence against women, but the Lofgren substitute does. The Lofgren substitute would severely punish crimes against pregnant women without tangling juries and prosecutors in the abortion debate. It creates a separate Federal offense for crimes against pregnant women and carries penalties of 20 years in prison to a maximum life sentence for causing termination of a woman's pregnancy. The Lofgren amendment protects pregnant women without limiting their very basic rights and without defining the Constitution to establish fetal personage.

Please vote in favor of the Lofgren amendment, which will be up shortly, and no to this underlying bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in strong support of the Unborn Victims of Violence Act. Few people know that homicide is the leading cause of death of pregnant women in this country. Thousands more expectant mothers will experience physical violence during their pregnancy each year. When a pregnant woman is harmed, so is her child. Under these circumstances, it only makes sense that a criminal should be prosecuted for harming two innocent lives rather than one. In fact, 29 States, including my State of Minnesota, have laws that protect unborn children during some stage of development. If the mother is not killed in an attack, but the unborn child is, clearly that attacker is responsible for the unborn child's death. However, in the eyes of the law, nobody died, and the most an attacker can be charged with is assault.

This must be changed. Even in the highly publicized tragedy involving Laci and Conner Peterson, the national media rightly recognized that there were clearly two victims. But if this were a Federal case, only one victim would be recognized.

The opponents of this bill have wrongly characterized this bill and tried to give credence to their one-victim alternative. But I would like to bring to you what the mother of Laci Peterson had to say:

''Please understand how adoption of such a single-victim proposal would be a painful blow to those like me who are left to grieve after a two-victim crime because Congress would be saying that Conner and other innocent victims like him are not really victims; indeed, that they never really existed at all. But our grandson did live. He had a name, he was loved, and his life was violently taken from him before he ever saw the sun.''

That comes from Laci's mother, from Conner's grandmother. This is something that 84 percent of Americans support. This is something that this House has passed twice. The President supports it. I urge my colleagues to join me in supporting it.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank the gentleman from New York for yielding me time.

Mr. Speaker, today I rise also in strong opposition to the so-called Unborn Victims of Violence Act. I am extremely disappointed that the issue of violence against women is being manipulated into a political tug of war.

The bill recognizes for the first time a fetus as a person with rights separate and equal to that of a woman. Nearly one in every three adult women experience at least one physical assault by someone that she knows, a partner in many cases.

There is no doubt that acts of violence against women, especially pregnant women, are tragic and should be punished to the full extent of the law. However, we must institute legislation that does not erode the legal foundation of a woman's right to choose as a condition of protection against violence. We must support legislation that truly addresses harm to pregnant women and domestic violence.

The Democratic substitute being offered today by Lofgren, the Motherhood Protection Act, would create a separate Federal criminal offense for harm to a pregnant woman, instead of recognizing the fetus as a separate legal person. Recognizing the real issue at hand, harm to a pregnant woman, must not be exploited to further a long-standing political agenda.

I urge my colleagues to vote against H.R. 1997, and support the Lofgren substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE of Florida).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, this being February, many of us in our districts attended various fund-raisers for domestic violence shelters, and most of the titles of the funds-raisers that I attended this month were ''Love Does Not Have to Hurt.''

We need to have some Federal sentencing guidelines, because they currently fail to adequately cover the death or injury of an unborn child. For example, if a woman survives an attack but loses her unborn child, current law says that a murder has not taken place. Federal law does not recognize the death of Laci Peterson and her son Conner as a double murder.

Many times the intended target is the unborn baby itself. Failing to classify this as a murder defies reasonable notions of justice.

We hear a lot of debate about is this really related to the abortion issue? The debate over this legislation has been twisted by some into a debate over abortion. However, the abortion debate is really over a woman's right to choose.

This legislation affirms a woman's right to choose by punishing the criminal that has robbed her not only of her choice, but also of her child. Nothing in the Roe v. Wade decision prevents Congress from recognizing lives of the unborn children outside the parameters of the right to an abortion.

I strongly urge my colleagues to support the original provisions of the Unborn Victims of Violence Act because they recognize clearly what most Americans back in our districts feel, that violence against an unborn child is a crime just as heinous as the attack on its mother.

Mr. NADLER. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise today in opposition to H.R. 1997, the Unborn Victims of Violence Act.

Let us be clear: This bill is nothing more than an attack on a woman's right to choose. By defining the phrase ''child in utero'' to include any member of the species Homo sapiens at any stage of development who is carried in the woman, this bill provides protections for an embryo or fetus, regardless of the stage of development, from conception to birth. By establishing this fetal personhood in this manner, this bill establishes a legal framework to attack a woman's right to choose as guaranteed by the Supreme Court in the Roe v. Wade decision.

This bill forges new ground in attempting to recognize embryos and fetuses at all stages of development as persons with the same legal status as the mother. In fact, this bill makes no mention of the primary victim of violence, the pregnant woman, and instead creates a new cause of action on behalf of the unborn, and this marks a major departure from existing law and threatens the foundations of the right to choose.

We all agree that every time a criminal causes the injury or death of a pregnant woman through violence, it is a tragedy.

□ 1145

But we must also acknowledge that an attack against an unborn child is necessarily an attack against a pregnant woman. Unfortunately, rather than supporting tougher laws against domestic violence, sexual assault and battery, we are instead debating a bill that does not even recognize the harm to a pregnant woman.

During the debate, I have heard some Members talk about stories they have heard from people they have met. I remember in Wisconsin hearing testimony of a personal story of a woman who was beaten by her spouse when pregnant and lost her child. She was also beaten right after she first got married and beaten before her pregnancy, and beaten in the early stages of her pregnancy. If we had taken a tough enough approach to violence against women, the violence would not have progressed so far.

I have long been a supporter of the Violence Against Women Act, which expands protections for women against these callous acts of violence. I believe we would be much better served by laws to protect women, pregnant or not, from violence, instead of establishing an entirely new framework to protect fetal rights.

By switching the focus of these crimes, we are diverting attention from the victimized women, and this is not a step forward in the fight against domestic violence.

I urge my colleagues to vote against these bills and then work together to do proactive legislation to better attack violence against women.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I rise to support the Unborn Victims of Violence Act and to oppose the Democratic amendment.

H.R. 1997 would state that when a violent criminal act is committed against a pregnant woman, and that act results in the death of the baby, the criminal will be guilty of a second offense.

What this debate comes down to is personhood, according to a well-known liberal activist group. People for the American Way, a group opposing this bill, stated, ''Unlike the underlying bill, however, the pro-choice Lofgren substitute would not threaten Roe by recognizing the embryo or fetus as a separate, legal 'person.'" That is correct. Today in the House, we declare that criminal acts committed against pregnant mothers are crimes against two persons. What else could it be?

Human beings take different forms throughout life, but they never lose their humanness, their humanity. A baby in the womb will be born a person. A newborn, although it cannot fend for itself, is a person. An 87-year-old that shuffles slowly along is still a person.

Mr. Speaker, when there are two victims, there should be two crimes. I urge the House to pass H.R. 1997.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise to oppose this bill, and I question how this body could even consider a proposal as dishonest as this one. This bill is a wolf in sheep's clothing, a proposal to undermine reproductive rights dressed up as a bill to punish violent crimes against women.

We have really important issues that we should be considering, Mr. Speaker, rather than legislation that will undermine a woman's right to choose. We should be focusing this time today on policies that ensure every woman has a healthy pregnancy. We should promote solutions to the tragedy of domestic violence and the many other heinous offenses against women.

If antichoice forces would like to debate whether or not a woman has the right to make her own medical decisions, I am ready for that debate. Our constituents deserve a frank discussion about a woman's right to choose. It is unfair and it is misleading to characterize this bill as anything other than an assault on reproductive freedom in this country.

Mr. Speaker, I urge my colleagues to join me in the opposition of this misleading base legislation and in favor of the Lofgren substitute that protects the pregnant woman without reducing her own rights.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, passing this bill, the Unborn Victims of Violence Act, which is also known as Laci and Conner's Law, should be common sense to us all. I am mystified, frankly, by those who seem to be hysterical in their opposition to this commonsense legislation.

Let us see why this bill is so important. This is a picture of Ashley Lyons. Ashley learned last year that she was expecting; and the joy of the thought of her new child filled her heart. Tragically, earlier this year, Ashley was murdered and her unborn son, Landon, died as well. Was one life lost, or were two? Of course, two people died in that crime.

Here is a picture of Tracy Marciniak and her son, Zachariah. While in the 9th month of pregnancy, Tracy was brutally beaten, a crime which resulted in the death of her unborn son, Zachariah. According to some, even some in this very Chamber, according to some in this very chamber Today, there was no murder committed here. And according to some in this very Chamber, Tracy did not lose her child.

Did two people die when Ashley Lyons and her son, Landon, were murdered, or just one? Was a murder committed when Tracy Marciniak was beaten and her unborn son was killed? During the search for Laci Peterson and her unborn son, Conner, in San Francisco, did they find two bodies or did they find just one body?

Mr. Speaker, if my colleagues think nobody died here, that there were no crimes committed here, then vote ''no'' on this bill. But if my colleagues can get past the politics and the idealogy to see the truth, if they can see the common sense that there were two victims in this crime, that there was a murder committed here and that there were two victims in the Peterson murder case, then they must and they will vote ''yes'' on this bill.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will read into the RECORD some letters that we have here. This bill has been represented as a bill on family violence. We have here a letter in opposition to the bill and in support of the Lofgren substitute from the Family Violence Prevention Fund. It says: ''If Congress is serious about stopping domestic violence against pregnant women and helping women and children who are victims, Members will quickly pass the Domestic Violence Screening, Treatment and Prevention Act, H.R. 1267.''

The American Association of University Women is opposed to this bill. The National Women's Law Center is opposed to this bill.

The National Council of Jewish Women is opposed to this bill in which they say that ''this bill defines an unborn child as a member of the species homo sapiens at any stage of development. For the first time, it gives separate legal protection to a fertilized egg, embryo, or fetus and mandates penalties for harm to an unborn child equal to those mandated for harm to the woman herself. This legal definition will set a precedent that the antichoice movement can exploit in its ongoing efforts to equate abortion with murder. And it would establish a foundation on which to build a case that the rights of fertilized eggs, embryos, and fetuses are apart from and superior to the rights of the women in whose bodies they develop.

''The Unborn Victims of Violence Act is a sham designed to exploit the understandable public sympathy for a woman who loses her pregnancy or her life to violence in order to promote an agenda by which women will in fact lose control of their bodies to the State.'' That is from the National Council of Jewish Women.

The National Abortion Federation, the Religious Coalition of Reproductive Choice, the American Civil Liberties Union, NARAL, People for the American Way, the National Organization for Women, all of these groups are concerned either about abortion rights, about reproductive rights, about women's rights, about domestic violence; and they are all opposed to this bill.

Juley Fulcher of the National Coalition Against Domestic Violence, which is the group that for the last 25 years has led the fight for antidomestic violence legislation in the States and in the Congress, testified against this bill in our committee, and I commend her testimony to my colleagues.

Mr. Speaker, I will insert all of these letters into the RECORD at this time.

FAMILY VIOLENCE PREVENTION FUND,
Washington, DC, January, 27, 2004.

Hon. JERROLD NADLER,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE NADLER: On behalf of the Family Violence Prevention Fund, I am writing to express concern about the Unborn Victims of Violence Act, H.R. 1997, passed by the House Judiciary Committee on January 21. We are deeply disappointed that some are promoting this bill as a way to end domestic violence, when better and more direct measures to stop family violence languish in Congress year after year. Members of Congress who want to stop abuse will put their energy into passing the prevention and intervention measures that offer great promise to stop violence before it starts.

The murder of Laci Peterson was an unspeakable tragedy, but many laws designed as quick fixes have caused great harm. For example, mandatory domestic violence health reporting laws deter women from seeking the medical help they need. We need to step back and consider what actually works. Our goal must be to stop violence against all women, regardless of whether they are pregnant.

If Congress is serious about stopping domestic violence against pregnant women and helping women and children who are victims, Members will quickly pass the Domestic Violence Screening, Treatment and Prevention Act, H.R. 1267. this essential bill would train health care providers to routinely screen female patients for a lifetime history of abuse and give women access to critical domestic violence services when abuse is identified. Introduced in the House in March of 2003 by Representative Lois Capps (D–CA) and Steven LaTourette (R–OH), this bill has the potential to prevent tragedies by helping victims before violence escalates.

We also urge Congress to fully fund all Violence Against Women Act programs and support legislation that would actually prevent domestic violence before it begins. Domestic violence prevention legislation should include services for children who are exposed to abuse, programs that support young families at risk of violence, and efforts to teach young men and boys how to develop healthy, non-violent relationships. Such legislation would do much more to stem the tide of domestic violence than the Unborn Victims of Violence Act.

Finally, we wish to thank you for your continued leadership and support on this issue. As an advocate in Congress and as one of our Founding Fathers, you truly make a difference in the movement to end violence against women and children. If we can be of assistance, please do not hesitate to contact Kiersten Stewart in our Washington, D.C. office at 202–682–1212.

Sincerely,

ESTA SOLER,
President,
Family Violence Prevention Fund.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN,
Washington, DC, January 27, 2004.

OPPOSE THE H.R. 1997—THE UNBORN VICTIMS OF VIOLENCE ACT

DEAR REPRESENTATIVE: On behalf of over 100,000 members of the American Association of University Women (AAUW), we express our deep opposition to the Unborn Victims of Violence Act (H.R. 1997). AAUW opposes H.R. 1997 because it would create a separate criminal offense if an individual kills or injures an ''unborn child'' while committing a federal crime against a woman. AAUW believes that the bill fails to directly address the real problem—violence against women—and ignores the needs of the woman by dismissing the fact that any assault that harms a pregnancy is inherently an attack on the woman.

AAUW has spent the last century fighting for protections for women and children from all forms of violence. AAUW has also worked tirelessly to protect a woman's right to choose. These two priorities should never come into conflict, but H.R. 1997 pits one against the other in an unnecessary attack on the legitimacy of Roe v. Wade. H.R. 1997 attempts to thwart a woman's right to choose by undermining that landmark Supreme Court decision, which held that fetuses are not persons within the meaning of the Fourteenth Amendment. H.R. 1997 attempts to recognize a fetus as a person, with rights separate from and equal to those of a woman, and worthy of legal protection. Rather than creating separate legal rights for the fetus, Congress should bolster its efforts on behalf of pregnant women by enhancing the penalties for the underlying crime against the woman.

Once again, we urge you to oppose H.R. 1997. If you have any questions, please call Lisa Maatz, Director of Public Policy & Government Relations, at 202/785–7720, or Lynsey Morris, Government Relations Manager, 202/785–7730.

Sincerely,

NANCY RUSTAD,
President.
JACQUELINE E. WOODS,
Executive Director.

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, January 20, 2004.

DEAR SENATOR: On behalf of the National Women's Law Center, we are writing to ask you to oppose H.R. 1997, ''The Unborn Victims of Violence Act.'' This bill not only ignores the violent crime against the woman but also sets a dangerous federal precedent that will undermine a woman's right to choose.

Acts of violence against women, and most certainly against pregnant women, are abhorrent, and the criminal justice system should respond decisively and strongly to them. But H.R. 1997 is not the proper response. This bill would create a separate offense for harm or termination of a pregnancy at any stage of development during the commission of any of several federal criminal acts. H.R. 1997 fails to recognize the violence to the woman and ignores the reality that any attack that harms a pregnancy inherently is an attack on the pregnant woman herself. At a past House Judiciary Subcommittee on the Constitution Hearing on this bill, domestic violence expert Julie Fulcher testified against the bill, stating, ''The 'Unborn Victims of Violence Act' is not designed to protect women. . . . The result is that the crime committed against a pregnant woman is no longer about the woman victimized by violence. Instead, the focus often will be switched to the impact of that crime on the unborn fetus, once again diverting the attention of the legal system away from domestic violence or other violence against women.''

This legislation would also unnecessarily inject the abortion debate into the federal criminal system. It creates a separate offense for harm to the ''unborn child,'' which it defines as ''a member of the species homo sapiens, at any stage of development, who is carried in the womb,'' and punishes this violation as if the offense had occurred to a person. If enacted, it would be the first federal law where a zygote, blastocyst, embryo or fetus could be an independent victim of a crime, and thus a ''legal person'' with the same legal rights as live-born individuals. Thus, this legislation conflicts with the legal principles underlying the Supreme Court's decision in Roe v. Wade.

Moreover, the bill's construction and vague language ensures that prosecutions will get bogged down in arguments about when life begins—discussions better held by constitutional scholars, academics, clerics and philosophers, not by juries in criminal courts. Ultimately, the bill as crafted provides a vehicle for yet another challenge to Roe and its progeny before the United States Supreme Court. A much simpler bill could have been crafted to create new federal anti-crime legislation—rather than anti-abortion legislation.

We look forward to working with you on legislation that truly addresses the tragedy of a pregnancy lost due to a violent crime. Other proposals are being developed that focus on the attack on the woman and resulting harm to her fetus. These alternatives would allow for swift and efficient prosecution of criminal wrongdoers and would not undermine the legal principles underlying a woman's right to choose. We urge you to oppose H.R. 1997—although it purports to aid women, in reality this bill not only ignores women crime victims but undermines their constitutional rights.

Sincerely,

MARCIA D. GREENBERGER,
Co-President.
JUDY WAXMAN,
Vice President, Health and Reproductive Rights.

NATIONAL COUNCIL OF JEWISH WOMEN,
Washington, DC, January 2004.

DEAR REPRESENTATIVE: On behalf of the 90,000 members of the National Council of Jewish Women, I urge you to oppose the ''Unborn Victims of Violence Act,'' (S. 1019) which purports to protect pregnant women by enhancing penalties for criminal acts that harm an ''unborn child.'' Recognizing harm to an ''unborn child'' that is injured in the commission of a crime does nothing to help pregnant women that are victims of violence. It merely aids the anti-choice movement in establishing separate legal status for the fetus.

The Unborn Victims of Violence Act defines an ''unborn child'' as ''a member of the species homo sapiens, at any stage of development.'' For the first time, it gives separate legal protection to a fertilized egg, embryo, or fetus, and mandates penalties for harm to an ''unborn child'' equal to those mandated for harm to the woman herself. This legal definition will set a precedent that the anti-choice movement can exploit in its ongoing efforts to equate abortion with murder. And, it would establish a foundation on which to build a case that the rights of fertilized eggs, embryos, and fetuses are apart from and superior to the rights of the women in whose bodies they develop.

The ''Unborn Victims of Violence Act'' is a sham, designed to exploit the understandable public sympathy for a woman who loses her pregnancy or her life to violence in order to promote an agenda by which women will in fact lose control of their bodies to the state.

If you have any questions, please contact Carolyn Ratner, Senior Legislative Associate, at 202–296–2588.

NATIONAL ABORTION FEDERATION,
January 27, 2004.

Representative NADLER,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE NADLER: On behalf of the National Abortion Federation (NAF), I am writing to thank you for your principled opposition to H.R. 1997, ''The Unborn Victims of Violence Act.'' This legislation poses

a direct threat to a woman's right to choose a safe and legal abortion by granting personhood to a zygote, blastocyst, embryo, and fetus separate and apart from the woman.

NAF opposes this legislation because it does nothing to protect pregnant women. Not a single provision of the bill addresses the underlying problem of violence against women. Instead, the bill emphasizes the fetus over the woman, diverts attention away from violence against women, and fails to recognize that the best way to protect a fetus is to better protect women from violence.

The supporters of the bill claim that they want to protect pregnant women. The true intent behind this bill—to dismantle *Roe* v. *Wade* and undermine a woman's right to choose has been exposed. Additionally, this bill would set a dangerous legal precedent by establishing in law that an ''unborn child'' is an individual separate from a woman, and by elevating its status above that of a woman. The legislation makes no distinction between a fetus that is nine months old, an embryo that is six weeks old, a blastocyst that is four days old and has yet to implant in the uterus, and a zygote that is two hours old and has yet to split into more than two cells. By granting full personhood to a fetus, embryo, blastocyst, and zygote, the bill threatens to set the stage for a complete prohibition of abortion.

Acts of violence against women, including pregnant women, are intolerable, and the criminal justice system should respond to them. H.R. 1997, however, is not the right response. Thank you again for your vote against this legislation, and for your continuing support of a woman's right to choose.

Sincerely,

VICKI SAPORTA,
President & CEO.

RELIGIOUS COALITION FOR REPRODUCTIVE CHOICE,
Washington, DC, January 27, 2004.

Representative JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NADLER: I am writing to express my strong opposition to the so-called ''Unborn Victims of Violence Act,'' H.R. 1997, which was recently reported out by the House Judiciary Committee.

The bill recognizes a fertilized egg, zygote or fetus as a person by explicitly stating that any human ''in utero'' is a ''child,'' regardless of gestational length. Thus the bill seeks to impose one religious belief about the beginning of life—that the fetus at all stages of development is a person—and make it the law for all, regardless of individual beliefs. As an interfaith coalition, we believe that government must not impose one religious view about any issue on everyone.

The claims by UVVA supporters that this bill is about preventing violence against pregnant women are preposterous. Their unwillingness to consider the amendments offered in committee by Reps. Lofgren, Baldwin and Scott shows that their aim is to establish fetal personhood and fetal rights, rather than to address the serious problem of violence against pregnant women.

The main purpose of this bill is to identify the fertilized egg or fetus as a separate ''person'' with legal rights distinct from those of the pregnant woman, and thus lay the foundation for overturning Roe v. Wade. I strongly urge its defeat.

Sincerely,

Rev. CARLTON W. VEAZEY,
President and CEO.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, January 20, 2004.

OPPOSE ''THE UNBORN VICTIMS OF VIOLENCE ACT'' (H.R. 1997) DURING TOMORROW'S JUDICIARY COMMITTEE MARKUP

DEAR REPRESENTATIVE: The ACLU strongly urges you to oppose H.R. 1997, deemed by its sponsors ''The Unborn Victims of Violence Act,'' when it is marked up in the House Judiciary Committee tomorrow. This bill unnecessarily undermines reproductive freedom, when alternative approaches to punishing violent crimes against women exist.

H.R. 1997 would amend the Federal criminal code to create a new, separate offense if, during the commission of certain Federal crimes, an individual causes the death of, or bodily injury to, what the sponsors call a ''child in utero.'' Because H.R. 1997 applies to all stages of prenatal development, it would be the first Federal law to recognize a zygote (fertilized egg), a blastocyst (pre-implantation embryo), an embryo (through week eight of a pregnancy), or a fetus as an independent ''victim'' of a crime with legal rights distinct from the woman who has been harmed by a violent criminal act.

The ACLU fully supports efforts to punish acts of violence against women that harm or terminate a wanted pregnancy. This bill is an inappropriate method of imposing such punishment, however, because it dangerously seeks to separate the woman from her fetus in the eyes of the law. It could dramatically alter the existing legal framework, elevate the fetus to an unprecedented status in Federal law, and undermine the foundations of the right to choose abortion.

In addition, H.R. 1997 explicitly disavows a mens rea (or criminal intent) requirement with respect to the harm to the fetus and thus is in tension with the Constitution's Due Process guarantees. The bill permits a person to be convicted of the offense of harm to a fetus even if he or she did not know, and had no reason to know, that the woman was pregnant, and he or she did not intend to cause harm to the fetus. Such a result undermines the Constitution's promise of due process.

Criminal interference with a woman's right to bear a child should be prevented and punished. Legislation that imposes enhanced penalties for violent acts that intentionally compromise a pregnancy appropriately punish the additional injury a woman suffers without recognizing the fetus as a legal entity separate and distinct from the woman who has been harmed.

For these reasons, we strongly urge you to vote against H.R. 1997 when it is considered in the Judiciary Committee.

Sincerely,

LAURA W. MURPHY,
Director.

GREGORY T. NOJEIM,
Associate Director and Chief Legislative Counsel.

NARAL PRO-CHOICE AMERICA,
January 23, 2004.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE NADLER: I write to reiterate NARAL Pro-Choice America's opposition to H.R. 1997, the so-called Unborn Victims of Violence Act.

This legislation recognizes a second legal ''person'' when a pregnant woman is a victim of certain federal crimes. Sponsors claim the bill is aimed at violence against women, and at first blush, their proposal may seem reasonable or innocuous. Indeed, NARAL Pro-Choice America strongly believes that acts of violence against women, especially pregnant women, are tragic and should be punished to the full extent of the law. But sponsors of the Unborn Victims of Violence Act are not interested in addressing the real issues at hand.

Unfortunately, a close examination reveals that the bill is not designed to protect pregnant women from violence. Instead, it is carefully crafted to undermine a woman's right to choose. The bill creates a separate federal offense if, during commission of certain crimes, a person causes death or injury to what the sponsors call ''a member of the species homo sapiens at all stages of development.'' For the first time in federal law, this bill recognizes a zygote (fertilized egg), blastocyst (preimplantation embryo), embryo (through week eight of a pregnancy), and fetus as a ''person'' that can be an independent victim of a crime.

For the first time in federal law, this legislation would grant an embryo rights separate from, and equal to, those of a woman. Any doubts about the sponsor's true motives have been erased. Indeed, one of the bill's lead sponsors admitted: ''They say it undermines abortion rights. It does. But that's irrelevant.'' Similarly, a prominent anti-choice advocate has observed: ''In as many areas as we can, we want to put on the books that the embryo is a person . . . That sets the stage for a jurist to acknowledge that human beings at any stage of development deserve protection—even protection that would trump a woman's interest in terminating a pregnancy.''

While NARAL Pro-Choice America agrees that crimes against pregnant women should be punished, there are other ways to accomplish that goal that do not embroil the issue in the abortion debate. When the Judiciary Committee considered the bill, members offered a number of sensible amendments, each of which would have represented a more responsible and effective option. Unfortunately, anti-choice committee members defeated each attempt, for one reason only: it did not grant legal ''personhood'' status to an embryo or fetus.

Finally, it is important to note that domestic-violence organizations—which take no position on legal abortion—oppose the Unborn Victims of Violence Act. The National Coalition Against Domestic Violence testified that this legislation excludes the woman entirely from the equation and could end up exacerbating, not improving, vulnerable women's circumstances. If Congress were truly interested in protecting women, it could enact sensible policies that help prevent, intervene against, and provide services for women who are victims of domestic violence and other violent crimes.

NARAL Pro-Choice America shares their concern and urges Congress instead to pass common-sense measures that help women, and do not undermine their rights.

Thank you for your consideration.

Warm regards,

KATE MICHELMAN,
President.

PEOPLE FOR THE AMERICAN WAY,
Washington, DC, January 23, 2004.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the more than 600,000 members and activists of People For the American Way, we are writing to oppose H.R. 1997, the ''Unborn Victims of Violence Act.'' While purporting to protect pregnant women from violence, this bill threatens the foundation of the landmark Roe v. Wade decision by establishing legal ''personhood'' for embryos and fetuses.

Violence against pregnant women is tragic and deserves to be punished. To this end, People For the American Way strongly supports efforts to protect women from violence

and to address the fact that homicide is the leading cause of death among pregnant women. However, the ''Unborn Victims of Violence Act'' is not the answer, for it holds the noble goal of protecting pregnant women from violence hostage to language threatening women's right to choose.

By contrast, the substitute bill that Rep. Lofgren offered in the Judiciary Committee serves the goal of protecting pregnant women without at the same time threatening women's reproductive freedom. Like the underlying bill, Rep. Lofgren's ''Motherhood Protection Act'' would authorize additional penalties for violence against pregnant women—up to 20 years when an embryo or fetus is injured and up to life in prison if a pregnancy is terminated. Unlike the underlying bill, however, the Lofgren substitute would not threaten Roe by recognizing the embryo or fetus as a separate legal ''person.''

We strongly urge you to protect pregnant women and a woman's right to choose. Oppose the Unborn Victims of Violence Act and instead support the Motherhood Protection Act. Pregnant women deserve additional protection against violence, but they should not have to pay for it with their reproductive freedom.

Sincerely,

RALPH G. NEAS,
President.

MARGE BAKER,
Director of Public Policy.

NATIONAL ORGANIZATION FOR WOMEN,
Washington, DC, January 26, 2004.

Honorable Member,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The National Organization for Women opposes H.R. 1997, formerly titled the Unborn Victims of Violence Act of 2003 (UVVA) and now called Laci and Conner's Law. This bill would advance the legal status of an embryo or fetus, making it equal to that of a pregnant woman and, consequently, would seriously erode the rights guaranteed under Roe v. Wade.

Through this legislation, sponsors are attempting to establish in law the extreme view that the legal rights of an embryo are separate from, and different from, the pregnant woman's—and then to press for additional statutory provisions that would overturn a basic tenet of the Roe decision.

The Supreme Court has held that fetuses are not legal ''persons'' within the meaning of the Fourteenth Amendment of the U.S. Constitution; this is an important holding that should be safeguarded. Changing the criminal system to include independent prosecution for injuring a fetus is a dangerous legal precedent that would have broad implications in limiting women's rights. A further defect is that there is no requirement that the perpetrator knew of the pregnancy or intended to harm the fetus. Without a showing of intent—a key component of criminal law—prosecuting such cases would be extremely difficult.

In addition, H.R. 1997 does not provide additional protections for pregnant women, who are often the target of violent assault. If Congress truly wants to protect pregnant women, then a revision is needed of the bill's language to more appropriately focus on the woman. Over 20 states have enhanced penalties for a crime against a pregnant woman that results in a miscarriage or interruption of normal fetal development. Congress could follow suit by increasing or by directing judges to escalate the penalty according to the gestational stage of the pregnancy when the harm was inflicted.

We believe that if UVVA is adopted, opponents of women's reproductive rights fully intend to broaden the law to allow women to be sued for harm to their fetuses—a frightening scenario that is being tested in several states.

PLANNED PARENTHOOD,
Washington, DC, January 23, 2004.

Hon. JERROLD NADLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NADLER: As you know, on Wednesday, January 21st, the House Judiciary Committee marked-up the so-called ''Unborn Victims of Violence Act,'' (H.R. 1997) passing the bill out of committee. We greatly appreciate your help and support in defeating this dangerous legislation.

Planned Parenthood recognizes that the loss of a pregnancy through violence to a woman is a tragedy for the woman and her family. Violence against women, in particular pregnant women, continues to be a significant problem in this country, and begs for legislation that protects women against violence. However, H.R. 1997 does nothing to protect women. It purported aim, to protect ''unborn children'' from violence, is misguided at best. On its face, this bill creates a penalty for violation of a number of criminal statutes if, in the course of commission of these crimes, an ''unborn child'' is injured or killed. The dangerous reality of the bill, however, is that it would elevate the legal status of the fetus to that of an adult human being. This is merely the first step toward eroding a woman's right to choose. The loss of a wanted pregnancy is always a tragedy, but solutions should be real, not political.

Planned Parenthood fully supports a woman's right to choose, including a woman's right to choose to carry a pregnancy to term. Because H.R. 1997 does nothing to protect women and because its clear intent is to create fetal personhood, Planned Parenthood Federation of America opposes this legislation. We believe that Congress should adopt a more reasoned approach that would protect all women from violence.

Again, on behalf of the Planned Parenthood Federation of America and the millions of women who use our services, I want to thank you for strong opposition to this legislation. If we can be of any assistance, please feel free to contact our office.

Sincerely yours,

GLORIA FELDT,
President.

Mr. Speaker, let me simply reiterate again and summarize this debate. Do we oppose violence against women? Obviously. Do we think that when someone assaults a pregnant woman and harms the fetus, it is an additional crime, a separate crime deserving of additional and separate punishment? Yes. Does the substitute make it a separate crime? Yes. Does the substitute give it additional punishment equal to or even more severe than in some cases in this bill? Yes.

What is the difference here? The difference between the bill and the substitute is only that we believe it is a separate crime against the woman. The bill makes it a separate crime against a new victim, a separate victim, the fetus. It counts the fetus as a full person for the purpose of this crime, and every speaker who has risen on the opposite side has said that, and I agree that that is what it does. We disagree with that, because it goes against all of our legal tradition, and it goes against the rationale of the Supreme Court in upholding abortion rights; and its purpose is to lay the foundation for laws that would criminalize abortion because, after all, if the fetus is a person, then abortion is murder. It lays the foundation for laws that would restrict the liberty of pregnant women because, after all, if the fetus has rights equal to or superior to those of the pregnant woman, then we have to restrict her liberty and her actions to protect the fetus.

These things we are not prepared to do, and that is the debate on this bill; and that is why I urge defeat of this bill and support of the Lofgren substitute.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois (Mr. HYDE), who will close the general debate on this side.

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

Mr. HYDE. Mr. Speaker, first of all, let me say, I am very happy that the gentleman from New York (Mr. NADLER) was never aborted. I am glad he is here. He stimulates the discussion. He is even fun, on occasion; and I am very glad that the gentleman survived.

I also would like to say that yesterday, I heard two gentlewomen from the other side complain that they have kept a scorecard, and over 200 times in the immediate years we have had to vote on abortion. That was a considerable annoyance to them, and I regret that. But I do not think any single issue defines the difference between the two sides better than that remark about having to vote 200 times on abortion, because that indicates that abortion is not all that important to them. After all, it is a thing. It is a commodity. It is a throw-away, used Kleenex; but it is not a life, a human life.

Now, of course, we feel differently. We feel it is a human life. We feel it is entitled to respect and dignity, and it is entitled to due process of law. And, of course, they deny that.

□ 1200

So that concern that we have had to debate this issue too much, it seems to me, defines the positions of the two sides.

Now, some years ago, in fact it was 1841, John Quincy Adams represented 35 slaves from the ship Amistad in a court proceeding where he argued before the U.S. Supreme Court on their behalf, and he told the Court, he said, this is the most important case you will ever hear because it involves the very nature of man. Of course, he was talking about slaves, whom some people held to be commodities, chattels, things that could be bought and sold or thrown away if need be, but less than human, and so that case did involve the nature of man, and so do we.

I am sorry that we get another check in the scorecard because we are discussing this one more time, but I will suggest to my friends on the other side,

you will never get rid of this issue as long as there are people who are sensitive to the notion that all human life is precious and deserving of protection, especially the vulnerable, the weak, the small, the defenseless that cannot rise up in the streets, cannot escape, but is disposable by your ethic.

I would like to see a little honesty in this debate. By that I mean stop with the euphemisms. Right to choose, my goodness, everybody's for the right to choose. It is what you are choosing that is important. There is only one choice, a dead baby or a live baby. But the right to choose is a process, it is not substantive.

They refer to the unborn as a fetus or as the product of conception. All these euphemisms, these marketing tools, let us call it what it is. Why do you shy away from the word abortion? Abortion, the only time you use it is when you point the finger at us and say we are against abortion, and in that you are quite right.

Well, Mr. Adams before the Supreme Court presented the question as to whether slaves were worthy of protection under the law, whether they had value, and that is the issue here. You deny personhood, which is a legal concept, to the unborn; when is a person a person when you do not really know. The Court took a pass on that, and of course you take it. It is a legal construct. A personhood belongs to the human aspect of life; not animal, not vegetable, not mineral, but a person, personhood.

I assign personhood to a tiny entity, a fertilized egg. I guess it is very small, even premicroscopic, but it is the beginning of the human life, and if you deny that, you are kidding yourself, and you are clinically primitive because that is not so. You want to deny any dignity, any value, any status, any standing to an unborn child. Never mind the sonograph, never mind what your senses tell you, never mind that the pregnant woman knows she is carrying her baby, her baby. Never mind that, because it is tough to argue for killing, which is what abortion does. It kills a baby. You will not admit that. You will say it is an exercise of reproductive rights, apt alliterations, artful aid.

Well, what we are talking about here in this bill is saying that little unborn child has value, that little unborn child is intrinsically precious and valuable and deserving of standing in the law and protection, and to deny that, of course, is no surprise for some of you. Some of you felt partial-birth abortion was okay. They are the babies fourth-fifths born and is almost out of the birth canal, and the means of killing that baby is grotesque, but if you can stomach that, well, a little thing like this ought to be no problem.

Well, I say it is a problem, and I say we do not need permission to discuss it. We do not have to ask if it is already all right if we go 201 times on this question. The dignity, the personhood, the substance of an unborn child is what we are speaking for, and you are denying it. You are saying it is subhuman, it is less than significant. I do not question anybody's motives, but I do question your judgment, your sensitivity and your imagination. You cannot imagine that little tiny speck of humanity as a member of the human family, and you get so locked into that non sequitur that as time goes on and it is almost born, you still cannot admit that it is a human life deserving of protection.

So this is a good bill. It does not impact on a woman's right to choose because specifically it eliminates any impact this bill has on abortion, whether the doctor or the mother or not, and so it is really a no-brainer in that we spend so much time trying to dispute that a woman who is pregnant has another little party in her womb. It could be another gender. Woman is a female, and the baby is a male. It could be a different blood type. We spend a lot of money on doctors performing miracles of surgery to save little children, and here you want to justify throwing it away because somebody does not want it.

Well, here is an opportunity to not restrict the liberty of a pregnant woman, but to enhance the sanctity of human life and defend what, under your rubric, would be defenseless.

So I hope this bill passes. I regret the gentlewoman from California's (Ms. LOFGREN) substitute because it dehumanizes, it desensitizes, it reduces in standing and status the unborn, who needs our protection more than anything in the world because they are alone and defenseless. So I hope that we support this bill, the underlying bill. I hope we defeat the substitute, which demeans the humanity of the little defenseless child who we should be standing with and holding up and defending.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I congratulate the distinguished gentleman from Illinois for the passion he brings to this discussion, but more than that, for the clarity and honesty he brings to this discussion, for he has swept away much of the rhetoric and much of the underbrush which impedes a clear view of this and defined the real issue.

This is a bill about abortion, as he quite clearly recognizes. Both the bill and the substitute have the same practical impact. They both define two crimes. They both define the same penalties. They both have the same deterrent effect. That is not the issue, as he recognizes.

The bill defines the fetus as a person from the moment of conception. The substitute does not recognize the fetus as a person, for legal purposes, from the moment of conception. That is the difference, and that is the core of the abortion debate, as the distinguished gentleman recognizes.

The people who believe abortion to be murder believe a fetus, a zygote, a blastocyst is a person, a full human person with full and equal and legal rights from the moment of conception. We do not. We do not use the euphemism ''a right to choose'' as a euphemism for abortion. We support a woman's right to choose to have an abortion if she wishes. We support a woman's right to bear a pregnancy to term if she wishes. That is why we say we support the right to choose.

Abortion is clearly troubling emotionally and intellectually to many people. I, for one, and I can only speak personally, would find an abortion of a 9-month pregnant fetus, that is to say, a 9-month-old fetus, a horror, and I believe it is, in fact, illegal, except to save the life of the mother. On the other hand, I do not believe that a two-cell zygote after conception is a human being. I do not believe that. I believe that it has the potential. It obviously has the potential to become a human being, but it is simply two cells, and I have no compunction about an abortion of a group of cells. I do not believe it to be a human being.

That question, whether a small clump of cells or an embryo is a human being or not, is not a question that we are ever going to agree on. The chairman said the abortion debate is going to be with us forever, and I think he may be right, certainly a long time. We are not going to disagree on that question.

The difference is I respect everyone's right to their opinion, whether informed by physiology, by religion, by morality, by their concept of morality, to make that decision for themselves as to how they regard a blastocyst or a zygote. Some religions declare it a human; some religions say no. I do not think it is the job of Congress to dictate to people how to make that very personal, moral decision. I believe that decision is one which must be left to a woman.

If a woman says that, to me, as the woman, the embryo at early stage of development is a human being, and I will not have an abortion even if it risks my life, I will respect that decision. She is entitled to it. I would not support Congress coming in and saying we will save her life despite her will if she is competent because we do not agree with her moral decision. On the other hand, if she says, my moral decision is that I do not believe an early embryo or fetus is a human being and I want to have an abortion, that is her decision. I will not want Congress or the State legislature or the President to say, you are wrong morally, my moral conviction is superior to yours, and therefore, I will use the power of the State, the power of compulsion to put my moral conviction over yours. That is the debate here.

This bill is mostly a sham. The distinguished gentleman from Illinois takes the sham away and says what is really at stake, what is really the issue, and the real issue is are we going to say, which we have never said before, we had that Biblical passage

which I brought, as I said before, I do not think Congress ought to enact Biblical or religious law into civil law, but I brought it to show that in the Biblical times they did not regard a fetus as a person, because if you killed the fetus, you had monetary compensations. If the woman died, there was a capital punishment because the fetus is not regarded as a full person. That brought back, we have not regarded an Anglo-Saxon law, a Roman law up until now, a fetus as a full person.

Now, because of the abortion debate that erupted 30 years or so ago, the last 30 years, people have tried to change the law to say that we should give legal recognition to the assertion that a fetus or an embryo from the moment of conception is a person for legal purposes. We do not agree with that. This bill would do that. Therefore, we are opposed to this bill.

Some people have that opinion. Some people have that conviction. I respect the conviction. Some religions say so. I respect that. Others disagree. We should not use the power of law to impose that opinion, that theological opinion, that physiological opinion, that moral opinion on people who do not share it and wish to have abortions or other acts that may flow from that.

That is the distinction here, and this bill is an abortion bill despite not what the gentleman from Illinois said, but some other people said, because, as I said before, the consequences of the defining a second crime, the substitute would do, giving a severe penalty, giving additional penalties, are the same in the bill and the substitute. The difference is the legal underpinning, and the only reason we care about the legal underpinning is because of what it says about the key distinction underneath the legal right to an abortion and the underpinning for Roe v. Wade.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, the gentleman, I am sure, understands, because he is a good lawyer, that the unborn has legal status in probate matters where a pregnant woman is an heir or beneficiary and is pregnant and the interests of the child may be different. So a guardian ad litem is appointed. You understand that a woman can be pregnant, and her pregnant child could be injured in the womb and have a cause of action.

□ 1215

Mr. NADLER. Mr. Speaker, reclaiming my time, I understand, and I am not an expert in probate or estate law, but I do understand that as the fetus gets older, our law gives it more recognition. In fact, the Supreme Court in Roe v. Wade said in the first trimester the interest of the woman and her choice completely prevails, you cannot regulate abortion. In the second trimester there is more of an interest, and, therefore, you can regulate; and in the third trimester after viability, you can prohibit abortion. That is in Roe v. Wade because it recognizes that there is more interest that attaches. I do not deny that, and exactly how much attaches and so forth we can debate in a lot of contexts.

What I am saying is that the definition of the fetus or the embryo as a human being, as a person, for purposes of law in all respects, which is what this bill would do, we have never done. We do not do now, we have never done, and in my opinion we should not because it is one conception. It is a defensible proposition, but it is not a proposition that many people and religions agree with, and it is not a proposition that we should impose by Congress pro or con. I urge adoption of the substitute, not the bill.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise today in strong opposition to H.R. 1997, the Unborn Victims of Violence Act. The bill seeks to recognize a fetus at any stage of development as a person. I think we are all aware scientifically that a fetus cannot survive on its own like a person can. This bill is yet another covert attack on a woman's right to choose waged by extreme thinking. It sacrifices real protections for women at the expense of a politically driven agenda to undercut Roe v. Wade, and I strongly urge my colleagues to reject this antichoice bill.

H.R. 1997 defines the phrase ''child in utero'' or ''unborn child'' as a fetus at any stage of development from conception to birth. In effect, the language undercuts Roe v. Wade, which held that a fetus even after viability is not a person for purposes of the 14th amendment. By creating a new Federal crime for bodily injury and/or death of an unborn child, the bill opens a new door of litigation over when life begins in the context of criminal prosecutions.

H.R. 1997 also contributes little to the actual protection of women. Rather than enhancing penalties under existing law for criminal acts against pregnant women, the bill diverts the attention to the fetus. As Juley Fulcher of the nonpartisan National Coalition Against Domestic Violence stated in her testimony to Congress, ''The goal of the act is to further a specific political agenda. The result is that the crime committed against a pregnant woman is no longer about the woman victimized by violence.''

Make no mistake about it, violence against women remains a serious issue in today's society, and Congress should address the issue. The statistics are shocking but true: The leading cause of death of pregnant women is murder. It is one of the reasons why I support the Lofgren substitute amendment that targets the crime of violence against pregnant women without falling into an antichoice trap. The substitute would create a separate and distinct crime for any violence or assaulting conduct against a pregnant woman that interrupts or terminates her pregnancy in addition to the assault on the pregnant woman. This is the appropriate approach to the issue. I strongly urge my colleagues to reject H.R. 1997 and support the Lofgren substitute.

Mr. COLLINS. Mr. Speaker, the Unborn Victims of Violence Act, H.R. 1997, is a needed and important bill that must be passed.

I believe that we must protect unborn children against acts of violence. It is for this reason that I have cosponsored H.R. 1997. Under current federal law, if a criminal assaults or kills a pregnant woman and causes death or injury to her unborn child, they face no consequences for taking or injuring that unborn life. The Unborn Victims of Violence Act would make any act that causes death of, or bodily injury to, a child who is in utero at the time the conduct takes place, guilty of a separate crime. If enacted, H.R. 1997 would afford protection to a completely defenseless life form, an unborn child, by creating a separate offense for acts of violence against the unborn child.

We passed this bill by a solid majority in the last Congress. I am hopeful that this year, our Colleagues in the other body will be able to move this legislation and we can send a final bill to the President for him to sign into law.

We have laws that protect men, women, and children from murder. We should have a law to protect the unborn, the most innocent and helpless of God's creations, from murder. This is a common-sense bill and a necessary bill. I'm proud to be a co-sponsor and proud to support this legislation.

During the vote on H.R. 1997, had I not been traveling on Congressional business, I would have voted, ''yea'' on rollcall vote 31, final passage for H.R. 1997. I would also have voted ''nay'' on rollcall vote 30, the Lofgren amendment.

Mr. ISAKSON. Mr. Speaker, I rise today in full support of the Unborn Victims of Violence Act.

Violence with the intent of injuring or killing a woman or any person is wrong and deserves the most severe penalty. Such an act of violence against a pregnant woman is an act against two lives and should be punishable as separate offenses.

We need only look to the Lacy Peterson case in California for clear and compelling evidence for the justification of two separate offenses. Any person intent in causing harm or death through violence and crime against any life must be held accountable for every life.

Mr. STARK. Mr. Speaker, I rise today to strongly oppose H.R. 1997, the so-called ''Unborn Victims of Violence Act.'' I am deeply disappointed that Republicans are using this controversial bill as a vehicle for their blatant attacks on a woman's right to choose.

The Republican majority party could enact a number of serious and meaningful laws that prevent and punish violence against women. However, instead of bringing common-sense measures up for debate, anti-choice lawmakers bring the Unborn Victims of Violence Act to the floor. It's perfectly clear why they're raising it. The Bush Administration—along with Republicans in Congress—are trading the wishes of their conservative base for votes in the upcoming elections.

This bill creates a separate Federal offense if, during commission of certain crimes, a person causes death or injury to what the sponsors of this bill call ''a member of the species

homo sapiens at all stages of development.'' If this bill passes, it will for the first time in Federal law, recognize a zygote, blastocyst, embryo, and fetus as a ''person'' that can be an independent victim of a crime. This bill does this even though the Supreme Court ruled in Roe v. Wade that fetuses are not persons within the meaning of the Fourteenth Amendment.

Let's be clear, this bill will not help address the serious issue of violence against women, which affects nearly one in every three women during their adulthood. If its intent were truly this, I would fully support it. In fact, domestic violence organizations, like the National Coalition Against Domestic Violence—that do not take positions on abortion—oppose this legislation.

The Unborn Victims of Violence Act isn't the right solution. That's why I oppose it and will instead vote for the substitute being offered by my colleague Representative ZOE LOFGREN. Her amendment, the Motherhood Protection Act, will help to prevent crimes against pregnant women, rather than embroil the issue surrounding the abortion debate. It would create a second Federal offense for harming a pregnant woman and would impose the same penalties for harm to, or termination of, a pregnancy as the Unborn Victims of Violence Act. But, importantly, the Motherhood Protection Act recognizes the pregnant woman as the primary victims of a crime rather than the fetus. This guarantees appropriate penalties in the law without getting us into a volatile, unnecessary debate over abortion.

Further exploiting the issues of violence against women, anti-choice advocates have resorted to using the unfortunate case of Laci Peterson's murder to push the legislation—even though passage of the Unborn Victims of Violence Act has been one of their top legislative priorities since 1999, long before the Peterson tragedy. Any doubts about the sponsors' true motives were erased when Senator ORRIN HATCH told a reporter: ''They say it undermines abortion rights. It does. But that's irrelevant.''

The Unborn Victims of Violence Act clearly fails to address the very real need for strong Federal legislation to prevent and punish violent crimes against women. Congress should be protecting pregnant women from violent crime without having to resort to controversial bills like the one before us. I ask my colleagues to vote ''no'' on this deceptive bill, which does nothing to thwart acts of violence, and vote ''yes'' on the substitute being offered today, a real remedy for assaults made against pregnant women.

Mr. FARR. Mr. Speaker, as a strong supporter of ending violence against women, I look forward to the day that this House debates legislation that will actually make women safer. Unfortunately, the main goal of H.R. 1997 is undermining the freedom of choice, rather than protecting pregnant women.

I strongly oppose H.R. 1997, which provides that whoever causes the death of, or bodily injury to, a fetus, embryo, zygote, or otherwise fertilized cell would be guilty of a separate criminal offense, and the punishment would be the same as if the violent act had been committed against an adult. By elevating a fetus to the same legal status as an adult, this legislation seeks to recognize the existence of a separate legal ''person'' where none currently exists. This creates the legal ability to threaten the Supreme Court's decision in Roe v. Wade. Moreover, H.R. 1997 does not recognize two victims but focuses solely upon providing legal protections for the fetus. the crime perpetrated against the woman is absent from the bill altogether.

The issue of violence against women is a serious and concerning problem that deserves our attention and resources. I support the Democratic substitute to H.R. 1997, the Motherhood Protection amendment. Without unnecessarily engaging in the abortion debate, this substitute creates a new, separate federal offense for any violence or assault against a pregnant woman that interrupts or terminates her pregnancy. Crimes committed against pregnant women are heinous and should be punished to the fullest extent of the law, and the Democratic substitute accomplishes that without undermining the principles of Roe v. Wade.

Given the broad attention that many members have focused on this particular issue of protecting women from violence, I am looking forward to similar support for the full funding of the Violence Against Women Act, which is currently funded 200 million dollars below the authorization level.

I encourage my colleagues to support women both in their right to be protected from violence, and in their right to reproductive freedom: support the Motherhood Protection substitute, and oppose H.R. 1997.

Ms. LEE. Mr. Speaker, I rise today to defend a woman's right to choose and to oppose H.R. 1997.

Once again, the Republican leadership is challenging a woman's constitutional right to make decisions regarding her own body.

This is not new legislation; in fact, the anti-choice movement has forced the Unborn Victims of Violence Act through the House twice since 1999.

The bill's true purpose is not to address violent crime against pregnant women. It is, and always has been, a way of undermining freedom of choice.

H.R. 1997 does not recognize two victims. The mother is notably absent from the bill altogether. In fact, H.R. 1997 does not require a conviction for the underlying crime against the woman; the crime against the woman could go unpunished.

The Unborn Victims of Violence Act goes beyond its intent to protect pregnant women and negates all the good it could do by deliberately and unnecessarily conflicting the core principle of Roe v. Wade.

I challenge may colleagues, male and female, to look at our Constitution and review the freedoms and civil rights that Congress has worked strenuously over our nation's history to protect.

I support the Lofgren substitute because it recognizes the heinous crime of attacking a pregnant woman by creating a new offense to punish violence that results in injury to or termination of a pregnancy, in addition to the crime against the pregnant woman.

I urge you to vote against H.R. 1997, The Unborn Victims of Violence Act because it chips away at all women's civil rights and freedoms which we must protect.

Mr. UDALL of Colorado. Mr. Speaker, I rise today in opposition to H.R. 1997, the Unborn Victims of Violence Act and in support of Representative LOFGREN's substitute.

On the surface, this bill appears to be an effort to protect pregnant women from violence. However, it actually does little to prevent violence against women, instead it dangerously opens the door to undermine a women's right to choose. The vast majority of domestic violence cases do not occur under federal jurisdiction, thus this bill would not help any of these women.

I believe that if we are going to create a crime for causing harm during a woman's pregnancy, we should also include efforts to prevent violence against women without opening up the abortion debate. H.R. 1997 does not provide protections for the mother; in fact the mother is hardly mentioned in the text of the bill. Instead it focuses solely on the ''child in utero.''

The Lofgren substitute, on the other hand, achieves that which the Unborn Victims of Violence Act only attempts to do. That is to provide protection to pregnant women who are assaulted. And it does this without opening up the abortion debate. This substitute focuses on protecting women. Specifically, this substitute will make the assault of a pregnant woman which results in the interruption or termination of her pregnancy a federal offense. I believe the Lofgren substitute does a better job of achieving the intentions of H.R. 1997 supporters than the original bill. Not only does Representative LOFGREN's substitute remove the abortion debate from this bill, but it provides protection for the mother and her pregnancy, not just the fetus.

It is important to mention that this approach can only be used if the assailant has been convicted of the underlying offense, the assault to the mother. I believe that the best way to protect women from violence is not to attempt to provide legal rights to her fetus, but rather to protect the mother herself, and work to prevent domestic violence first.

The Unborn Victims of Violence Act does not address the issue of violence against women. This bill will undermine a woman's right to choose, and have little affect on domestic violence in this country. As a result, I cannot vote in favor of this bill as it stands. This chamber needs to stand up against violence against women, especially pregnant women, and I believe Representative LOFGREN's substitute does this. Thus, I will be voting in favor of this substitute and urge my colleagues to do the same.

Mr. SHUSTER. Mr. Speaker, I rise today in strong support of H.R. 1997, the Unborn Victims of Violence Act introduced by my colleague from Pennsylvania.

The legislation before us today establishes that if an unborn child is injured or killed during the commission of a crime an additional charge may be brought on behalf of the second victim, the unborn child. Additionally, the bill stipulates that the same punishment be issued as provided for under Federal law for the crime committed against the mother.

The principle behind this bill is justice. Justice for the unborn child and justice for those left behind to cope with the grief. Justice, Mr. Speaker, for both victims. Currently over half of the states, including my home state of Pennsylvania, have an unborn victims law on the books. These laws have received increased attention over the last year due to the Peterson case in California.

Fortunately, California has an unborn victims law and thus the crimes committed against both Laci and Connor Peterson may be prosecuted and justice will be brought for both victims.

Additionally, Mr. Speaker, it should be noted that Americans have shown that they support unborn victims laws. Three nationwide polls, conducted in 2003 showed that respondents support unborn victims legislation by margins of 8 to 1 and in some cases as high as 12 to 1.

The American people accept that an attack on a pregnant woman is not just an attack on her, but an attack on her unborn child as well. It is time for Congress to come to the same resolution.

In conclusion, I want to extend my sincere thanks to my colleague from Pennsylvania, Congresswoman HART. I appreciate her leadership on this issue.

Mr. Speaker, the unborn cannot defend themselves when they are attacked, yet they are no less a victim. I urge my colleagues to stand up today to offer justice for all victims of violent crime.

Mr. BARRETT of South Carolina. Mr. Speaker, I rise this afternoon in support of victims without a voice, victims like Carol Lyons' grandson Landon. On January 7, 18-year-old Ashley Lyons and her unborn son, Landon, were murdered. When Ashley's mother Carol testified before the Kentucky Legislature's Senate Judiciary Committee on January 15 of this year she said,

> Noboby can tell me that there were not two victims. I placed Landon in his mother's arms, wrapped in a baby blanket that I had sewn for him, just before I kissed my daughter goodbye for the last time and closed the casket.

H.R. 1997, the Unborn Victims of Violence Act would provide that an individual who injures or kills an unborn child, like Landon, during the commission of one of nearly seventy specified federal crimes against the mother would be guilty of a separate offense against the unborn child. This is the right thing to do.

There are too many families suffering like the Lyons' family, knowing that those responsible for the murder of their unborn child or grandchild will never be punished for the crime they committed. We must not allow Landon, and countless other unborn children's deaths to have occurred in vain. Today, we have the opportunity to protect the rights of the most innocent life, that of an unborn child.

Mr. Speaker, I rise this morning in strong support of the Unborn Victims of Violence Act and I urge my colleagues to vote ''yes'' on H.R. 1997.

Ms. CUBIN. Mr. Speaker, I rise today in support of H.R. 1997 and for America's voiceless unborn children. We are all familiar with the tragic stories like the plight of Laci and Conner Peterson, and Landon Lyons of Kentucky, as well as countless others. From these tragedies one thing should be clear: Unborn children can be brutally victimized through acts we already recognize as Federal crimes, and it is our duty to ensure justice is served on behalf of these innocent victims.

In the unthinkable instance where a pregnant woman is physically harmed, it is a simple fact that more than one life is potentially at stake. The injury or death of a child who is still in utero is a crime that must not continue to go unprosecuted.

We have a responsibility to do everything in our power to protect both women and the unborn children they might be carrying. When both a mother and her unborn child are the victims of crime, two people are harmed. The law needs to recognize this reality, and I hope my colleagues will do so by voting in favor of H.R. 1997.

Recently, our Nation celebrated the 184th birthday of one of our true American heroes, Susan B. Anthony. Committed to the idea that all people should be treated equally, she worked for years to champion both the rights of women and unborn children. I can think of no better way to honor the great memory of Susan B. Anthony than by upholding the ideal of respect for the dignity of human life by supporting the Unborn Victims of Violence Act of 2003.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support for H.R. 1997, the Unborn Victims of Violence Act.

This important legislation would finally make it a separate Federal offense to cause death or bodily injury to a child in utero in the course of committing an already defined Federal offense. It is imperative that we hold criminals responsible for conduct that harms or kills an unborn child. I cannot understand the opposition to this bill. It will not affect abortion laws, it merely affirms that a violent act against a pregnant woman affects not only her but her unborn child as well. There are most certainly two victims in such crimes, as 24 States have already recognized.

This issue that we have debated for the past couple of years finally caught the Nation's attention with the murders of Laci Peterson and her unborn son Conner. Americans strongly believe that there were two murders committed last December and that the law should reflect that. Laci's family has suffered two losses. Thankfully under California law, the murderer will be tried for taking two lives. This is not the case at the Federal level. Laci and Conner's family has asked Congress to rectify this. Laci's mother Sharon Rocha's heartfelt statement expresses the need for this law better than I can:

> Please understand how adoption of such a single-victim proposal would be a painful blow to those, like me, who are left to grieve after a two-victim crime, because Congress would be saying that Conner and other innocent victims like him are not really victims—indeed, that they never really existed at all. But our grandson did live. He had a name, he was loved, and his life was violently taken from him before he ever saw the sun.

The Peterson case, unfortunately, is only one of several. I am horrified by stories such as that of Tracy Scheide Marciniak who was only 4 days from delivering her baby boy Zachariah. Four days. For 9 months she had been eagerly awaiting his arrival, planning for his birth and life, bonding with him in her womb. Unfortunately, her husband brutally attacked her, targeting a few blows specifically on her abdomen. Zachariah bled to death in her womb because of the blunt-force trauma. Tracy nearly died herself but did recover from her injuries and had to bury her baby boy without ever getting a chance to see him alive. At the time Wisconsin did not have an unborn victims law so Glendale Black was convicted on assault to her alone and is now eligible for parole. The law did not recognize the loss of Zachariah's life and Glendale Black did not pay for his crime.

Ohio is one of the States where it is a crime to kill an unborn child in a violent act. Unlike Zachariah, Jasmine Robbins' father was prosecuted for her manslaughter. Gregory Robbins assaulted his wife Karlene who was 8 months pregnant with their daughter Jasmine. He repeatedly struck her in the face and abdomen. Due to the assault, Karlene's uterus ruptured and Jasmine died. Gregory Robbins pled guilty to assault and battery to his pregnant wife and involuntary manslaughter for Jasmine's death.

Jasmine's murder is no less tragic than Zachariah's but at least her mother did not have to suffer the heartbreak of not having her murder recongized under our laws.

We live in a society that does not respect life and that troubles me. We have children killing children in our schools, husbands beating their wives, and other violent crimes signifying that we as a culture do not value and treasure life as we should. A good first step towards recognizing the miracle of life is to ensure that those who take a life are punished for their crime.

We cannot bring back Conner, Zachariah or Jasmine or the other hundreds of unborn children violently murdered. We can, and must, however, protect other unborn children from the same fate. We must respect life and make criminals pay for attacks against all Americans, born and in utero.

Mr. GRIJALVA. Mr. Speaker, violence against women is a serious problem in this country. One in three women will experience physical assault in her lifetime, with even greater risks for pregnant women. Women carrying unintended pregnancies are two to four times more likely to experience abuse. Murder is the leading cause of death for pregnant women. An average of three women are killed every day by their husband or boyfriend. Women who experience domestic violence are more likely to delay prenatal care; 4.5 million women in America are assaulted every year.

These figures are staggering and serious, but the bill under consideration today, the Unborn Victims of Violence Act, does not take the risks women face seriously. This bill completely disregards women as the primary victim of violence. You cannot harm a fetus without causing physical harm to a pregnant woman first. If this body wanted to consider violence against women, pregnant or not, seriously, I have a few alternate suggestions. We could provide adequate funds for the Violence Against Women Act so that no woman seeking help will ever be turned away from a shelter. We should insure that victims of domestic violence have equal access to programs funded under the Victims of Crime Act. Additionally we should provide women with access to contraceptive services, to thereby preventing unintended pregnancies that make them more susceptible to these dangerous situations.

All the title X funded clinics in my district, including Pima County Health Department Clinics, screen all women for domestic violence, provide appropriate counseling services, and refer women to local domestic violence agencies for additional services. They even provide small information cards in the private bathrooms that are designed for women to place in their shoes if they are at the clinic with an abusive partner. Title X clinics are one of our most valuable resources in reaching uninsured women who are victims of domestic violence. Unfortunately these programs are drastically under funded. If this Congress really would like to reach women in need, they would make funding for this program a priority.

This bill is not a real solution. This bill only applies to cases of assault that occur under

Federal jurisdiction. Between 1994 and 2000, only 130 Federal cases involved Federal domestic violence statutes. The public's broad support for preventing and prosecuting assault on women is being exploited for political purposes. This is an antiwoman bill. It disregards the woman's role in the pregnancy, and allows the law to ignore any harm inflicted upon her.

I urge my colleagues to support the Lofgren substitute which offers real solutions and real penalties for tragic violence against women, and oppose final passage of this misguided bill.

Mr. GOODLATTE. Mr. Speaker, I rise today in strong support of the Unborn Victims of Violence Act, and I thank Representative HART for introducing this important legislation, as well as Chairman SENSENBRENNER for bringing this important legislation to the floor. This bill will convey to violent criminals the important message that when they inflict harm on a pregnant woman and her unborn child, those criminals will be accountable for the harm done—not only to the expecting mother, but also to the unborn child.

It is unthinkable that under current Federal law, an individual who commits a Federal crime of violence against a pregnant woman receives no additional punishment for killing or injuring the woman's unborn child during the commission of the crime. Where is the justice when a criminal can inflict harm upon a woman, even with the express purpose of harming her unborn child, and not be held accountable for those actions?

The American public knows that this bill is necessary—recent polls have shown that approximately 80% of registered voters believed that prosecutors should be able to separately charge the violent attacker of a pregnant woman for the death of her unborn child. In addition, most States have recognized this problem by passing laws to protect unborn children—29 States, including my home State of Virginia, have seen the wisdom in holding criminals accountable for their actions by making violent criminals liable for conduct that harms or kills an unborn baby.

Unfortunately, our Federal statutes do not sufficiently provide for the protection of unborn children and as a result the Federal punishment for these heinous crimes amounts to little more than a slap on the wrist. Criminals are held more liable for damage done to property than for intentional harm done to an unborn child. This discrepancy in the law is appalling. It's time for Congress to Act.

Regardless of whether you are pro-choice or pro-life, those of us who are parents can identify with the hope that accompanies the impending birth of a child. No law passed by Congress could ever heal the devastation created by the loss of a child, or ever replace a child lost to violence. However, we can ensure that justice is done by making sure that criminals who take the life of an unborn child pays for their actions.

I urge each of my colleagues to join me in voting for the Unborn Victims of Violence Act.

Mr. PAUL. Mr. Speaker, while it is the independent duty of each branch of the Federal Government to act constitutionally, Congress will likely continue to ignore not only its constitutional limits but earlier criticisms from Chief Justice William H. Rehnquist, as well.

The Unborn Victims of Violence Act of 2001, H.R. 1997, would amend title 18, United States Code, for the laudable goal of protecting unborn children from assault and murder. However, by expanding the class of victims to which unconstitutional, but already-existing, Federal murder and assault statutes apply, the Federal Government moves yet another step closer to a national police state.

Of course, it is much easier to ride the current wave of federalizing every human misdeed in the name of saving the world from some evil than to uphold a constitutional oath which prescribes a procedural structure by which the Nation is protected from what is perhaps the worst evil, totalitarianism. Who, after all, wants to be amongst those Members of Congress who are portrayed as soft on violent crimes initiated against the unborn?

Nevertheless, our Federal Government is constitutionally, a government of limited powers. Article one, section eight, enumerates the legislative areas for which the U.S. Congress is allowed to act or enact legislation. For every other issue, the Federal Government lacks any authority or consent of the governed and only the State governments, their designees, or the people in their private market actions enjoy such rights to governance. The 10th amendment is brutally clear in stating ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' Our Nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No serious reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

However, Congress does more damage than just expanding the class to whom Federal murder and assault statutes apply—it further entrenches and seemingly concurs with the Roe v. Wade decision—the Court's intrusion into rights of States and their previous attempts to protect by criminal statute the unborn's right not to be aggressed against. By specifically exempting from prosecution both abortionists and the mothers of the unborn—as is the case with this legislation—Congress appears to say that protection of the unborn child is not only a Federal matter but conditioned upon motive. In fact, the Judiciary Committee in marking up the bill, took an odd legal turn by making the assault on the unborn a strict liability offense insofar as the bill does not even require knowledge on the part of the aggressor that the unborn child exists. Murder statutes and common law murder require intent to kill—which implies knowledge—on the part of the aggressor. Here, however, we have the odd legal philosophy that an abortionist with full knowledge of his terminal act is not subject to prosecution while an aggressor acting without knowledge of the child's existence is subject to nearly the full penalty of the law. With respect to only the fetus, the bill exempts the murderer from the death sentence—yet another diminution of the unborn's personhood status and clearly a violation of the equal protection clause. It is becoming more and more difficult for Congress and the courts to pass the smell test as government simultaneously treats the unborn as a person in some instances and as a nonperson in others.

In his first formal complaint to Congress on behalf of the Federal Judiciary, Chief Justice William H. Rehnquist said ''the trend to federalize crimes that have traditionally been handled in state courts . . . threatens to change entirely the nature of Federal system.'' Rehnquist further criticized Congress for yielding to the political pressure to ''appear responsive to every highly publicized societal ill or sensational crime.''

Perhaps, equally dangerous is the loss of another constitutional protection which comes with the passage of more and more Federal criminal legislation. Constitutionally, there are only three Federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting—and, because the constitution was amended to allow it, for a short period of history, the manufacture, sale, or transport of alcohol was concurrently a Federal and State crime. ''Concurrent'' jurisdiction crimes, such as alcohol prohibition in the past and federalization of murder today, erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no ''person be subject for the same offense to be twice put in jeopardy of life or limb . . .'' In other words, no person shall be tried twice for the same offense. However, in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the Federal Government and a State government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the Federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

Occasionaly the argument is put forth that States may be less effective than a centralized Federal Government in dealing with those who leave one State jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of State sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow States to exact judgments from those who violate their State laws. The Constitution even allows the Federal Government to legislatively preserve the procedural mechanisms which allow States to enforce their substantive laws without the Federal Government imposing its substantive edicts on the States. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one State to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon States in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to centralization of police power.

It is important to be reminded of the benefits of federalism as well as the cost. There are sound reasons to maintain a system of smaller, independent jurisdictions—it is called competition and, yes, governments must, for the sake of the citizenry, be allowed to compete. We have obsessed so much over the notion of ''competition'' in this country we harangue someone like Bill Gates when, by offering superior products to every other similarly-situated entity, he becomes the dominant provider of certain computer products. Rather than allow someone who serves to provide value as made obvious by their voluntary exchanges in the free market, we lambaste efficiency and economies of scale in the private marketplace. Curiously, at the same time, we further centralize government, the ultimate monopoly and

one empowered by force rather than voluntary exchange.

When small governments becomes too oppressive with their criminal laws, citizens can vote with their feet to a ''competing'' jurisdiction. If, for example, one does not want to be forced to pay taxes to prevent a cancer patient from using medicinal marijuana to provide relief from pain and nausea, that person can move to Arizona. If one wants to bet on a football game without the threat of government intervention, that person can live in Nevada. As government becomes more and more centralized, it becomes much more difficult to vote with one's feet to escape the relatively more oppressive governments. Governmental units must remain small with ample opportunity for citizen mobility both to efficient governments and away from those which tend to be oppressive. Centralization of criminal law makes such mobility less and less practical.

Protection of life—born or unborn—against initiations of violence is of vital importance. So vitally important, in fact, it must be left to the States' criminal justice systems. We have seen what a legal, constitutional, and philosophical mess results from attempts to federalize such an issue. Numerous States have adequately protected the unborn against assault and murder and done so prior to the Federal Government's unconstitutional sanctioning of violence in the Roe v. Wade decision. Unfortunately, H.R. 1997 ignores the danger of further federalizing that which is properly reserved to State governments and, in so doing, throws legal philosophy, the Constitution, the Bill of Rights, and the insights of Chief Justice Rehnquist out with the baby and the bathwater.

Mr. BLUMENAUER. Mr. Speaker, I oppose H.R. 1997, the so-called ''Unborn Victims of Violence Act''. Since the landmark Roe v. Wade Supreme Court decision, Congress has slowly passed legislation to erode women's reproductive choices. This is a personal and private decision that should be made by a woman, her family, her physician, and her own beliefs.

This is the third time that people who oppose reproductive freedom for women and their families have attempted this back door maneuver to restrict abortion. Instead of focusing on purely political measures aimed at the erosion of a woman's reproductive freedom, we should be protecting women from violence and increasing assistance to women in life-threatening domestic situations.

Harsh penalties already exist in 38 states for crimes against pregnant women that result in the injury or death of her fetus. The overwhelming majority of crimes against pregnant women that cause injury to her fetus occur in cases of domestic abuse or drunk driving accidents, instances that are prosecutable under currently existing State laws. Nearly one in every three adult women experiences at least one physical assault by their partner during adulthood. Drunk driving accidents continue to result in substantial loss of life in every city across the Nation. H.R. 1997 would do nothing to add to the existing protections against these serious and prevalent crimes.

I support the Lofgren amendment, ''the Motherhood Protection Act'', a crime bill that would protect pregnant women from violence and impose stiffer penalties than the competing bill, ''the Unborn Victims of Violence Act''. If protecting pregnant women from violent crime were truly our priority, Congress would have passed the Lofgren amendment to H.R. 1997.

Mrs. JONES of Ohio. Mr. Speaker, I rise in opposition to H.R. 1997, the Unborn Victims of Violence Act.

A pregnant woman is one of the most vulnerable members of our society. Nearly one in three women report being physically assaulted during pregnancy and murder is the leading cause of death among pregnant women.

H.R. 1997 does nothing to protect pregnant women from violence; rather, it creates a new cause of action on behalf of the unborn. The result would be a step backward for victims of domestic violence by once again diverting the attention of the legal system away from efforts to punish violence against women.

The legislation would apply in a limited set of circumstances involving members of the Armed Forces and anyone who injures or kills a fetus during the commission of a crime under Federal jurisdiction. But it should be noted that similar bills have been introduced in various States that would cover anyone who harms or kills a fetus under any circumstances.

Injury inflicted upon a fetus is accomplished by an assault on a woman; therefore punishment for such crimes should be prosecuted as crimes against women. Changing the criminal system to include independent prosecution for harming a fetus is a dangerous legal precedent, which could have broad implications in limiting women's rights.

H.R. 1997 creates controversy around the issue of violence against women where none exists and therefore exposes the true intention of the bill's sponsors. Congress should take strong measures to protect all women from violence rather than using this backdoor approach to restrict a woman's right to choose. If we really want to punish violence against pregnant women, it should be done in a way that does not entangle this issue with the abortion debate.

H.R. 1997 is the first step toward outlawing abortion. The real purpose of this legislation is not to deter and punish criminal conduct but to erode the reproductive rights of women. This bill is a thinly veiled attempt to undermine Roe v. Wade by establishing a distinct legal status for a fetus in Federal law.

H.R. 1997 marks a major departure from current Federal Law by elevating the legal status of a fetus at all stages of development. It is an obvious attempt to add to Federal law the anti-choice definition of an ''unborn child'' as ''a member of the species homo sapiens, at any stage of development, who is carried in the womb.''

Recognizing the fetus as an entity with legal rights independent of the pregnant woman would create future fetal rights that could only be used a against a pregnant woman, possibly putting the woman and fetus in conflict and placing the health, worth and dignity of the woman on a lower level than a weeks-old embryo. For example, this legislation could make it possible for a pregnant woman to be prosecuted for failing to protect her fetus from domestic violence committed against her.

We all agree that criminals who attack pregnant women—including especially heinous attacks aimed at ending the pregnancy—should be punished for their actions. But H.R. 1997 is not needed to allow the vigorous prosecution of anyone doing harm to a pregnant woman. In fact, the measure does not even mention harm done to pregnant women.

Any bill intended to battle such wanton criminal acts of cruelty should, as the legislation offered by Representatives ZOE LOFGREN and JOHN CONYERS, Jr., does, speak of criminal acts ''interrupting the normal course of pregnancy'' or ''ending a pregnancy,'' not by trying to define a fetus as an ''unborn child.''

If the supporters of H.R. 1997 were sincere about protecting a woman's pregnancy, they would not have stacked this bill full of language that serves no other purpose than to further their attempts to eliminate reproductive choice for U.S. women.

H.R. 1997 shifts the focus from violence against women and elevates the fetus—even a zygote, blastocyst or embryo, perhaps before its existence is known to the woman—to a status equal with that of the adult woman, a full member of society, who suffers both the physical assault and the possible loss of a wanted pregnancy.

Mr. Speaker, I rise to reiterate my opposition to H.R. 1997 and the blatant assault on a women's right to choose.

Mr. CARDOZA. Mr. Speaker, I rise today to speak in support of H.R. 1997.

Under current Federal law, a person who commits a crime of violence against a pregnant woman receives no additional punishment for killing or injuring the woman's unborn child. This is unacceptable.

In my district, the death of Laci Peterson and her unborn son, Conner, shook the community of Modesto and the Nation. As much as we all hoped to find Laci alive and well, we now hope for justice. It is disturbing to think that in cases like hers, real justice cannot be achieved under existing Federal law.

Fortunately, California already has a similar unborn victims of violence law, as do 28 other States. But the Peterson case underscores the need for congressional action. After meeting with Laci's mother, Sharon Rocha, I agree that we cannot allow the gap in Federal law to persist.

The simple fact is that pregnant women are vulnerable, and we must do everything we can to protect them—and everything we can to punish those who do the unthinkable. We must be tough on crime, and especially tough on heinous crimes. This is an issue of justice. To me, there is no other issue here.

I urge my colleagues to support the bill.

Mr. DINGELL. Mr. Speaker, it is with a heavy heart that I rise today in opposition to H.R. 1997, the Unborn Victims of Violence Act. Mr. Speaker, the bill before us today needlessly politicizes a serious issue. Frankly, I am outraged that members of this body are being put in a position to take an abortion vote instead of enacting serious and meaningful laws to prevent and punish violent acts against pregnant women.

Violent crimes against pregnant women are of a particularly heinous nature. This is something we can all agree on. However, to bog down this debate with abortion politics is disingenuous to say the least. The bill raises questions about the wisdom of my colleagues who support this bill. Is the goal to address the especially horrendous crime of harming a pregnant woman, or is the goal to generate an abortion-related campaign issue?

Supporters of this legislation will come to the floor today and tell us that their intentions are pure, they are not attempting to undermine

Roe v. Wade. In fact, one prominent Senator stated, ''They say it undermines abortion rights. It does . . . but that's irrelevant.'' Mr. Speaker, that is not irrelevant. This is a back door attempt to chip away at a woman's right to choose and I wish the supporters of this legislation would just admit it.

Now if the goal of this body is to pass meaningful legislation to prevent and punish those who assault pregnant women, I would urge my colleagues to vote ''yes'' on the Lofgren substitute. This substitute, based on H.R. 2247, addresses the real issue at hand. The substitute creates a separate Federal criminal offense for assaulting a pregnant woman resulting in injury or termination of a pregnancy. This bill could pass the House by a vote of 434–0, and fly through the Senate, landing on the President's desk within a week for signature.

We have tried, Mr. Speaker, for the past two Congresses to pass legislation to protect pregnant women from violence and I have been a willing partner in those efforts. The injection of abortion politics, however, is getting in the way of passing meaningful legislation. It is time to stop playing politics and get something done. We have now reached a point when we are acting irresponsibly. We all know that the underlying bill will go nowhere in the Senate.

It is time to do something. Let's save the abortion debate—and the politicking—for a later date.

I urge my colleagues to support the Lofgren substitute and oppose this cynical election year tactic.

Mr. McCRANE. Mr. Speaker, as an original cosponsor of the legislation before us, I rise in strong support of H.R. 1997, the Unborn Victims of Violence Act, which is also known as Laci and Conner's Law.

Over the past year, Americans have followed the investigation into the deaths of Laci Peterson and her unborn son Conner. Under California law the killing of both mother and unborn child are crimes.

However, under Federal law this is not the case. For example, if a criminal attacks a woman on a military base, and kills her unborn child, he can be charged only with the battery against the woman, because Federal law does not recognize the unborn child's loss of life.

The mother cannot charge her attacker for the death of the baby she was carrying. Today, the House will seek to remedy this injustice. Laci and Conner's Law will establish that if an unborn child is injured or killed during the commission of an already-defined Federal crime of violence, then the assailant may be charged with a second offense on behalf of the second victim, the unborn child.

Twenty-nine states have laws that protect unborn children, but the Federal government does not. I consider that unacceptable. This legislation will protect both pregnant mothers and their unborn children, and I urge my colleagues to support it.

Mr. KUCINICH. Mr. Speaker, the Unborn Victims of Violence Act (UVVA) is a Trojan Horse. While its sponsors claim that the bill will deter violence against pregnant women, the legislation actually does violence to the rights that women have to make reproductive choices. In fact, this legislation is not about deterring violence against pregnant women.

Individuals who commit violent acts against pregnant women should be prosecuted to the fullest extent of the law and I strongly agree that Congress should increase penalties for these types of crimes. That is why I am a cosponsor of the Motherhood Protection Act. This establishes higher penalties when violent crimes against pregnant women interrupt the normal course of pregnancy. These stiffer penalties are the same as penalties in UVVA.

However, UVVA isn't designed to protect pregnant women from violent acts. It is crafted in order to undermine the right to reproductive choice by Federally recognizing a fetus with separate legal rights. That would be a big change that does nothing to deter violence. At this time, there is nothing in Federal law that gives separate legal rights to embryos or fetuses. There is no need to establish controversial, unprecedented Federal rights for embryos. Doing so, as UVVA does, radically changes the law without making any women safer.

UVVA would not help women when they and their pregnancies suffer as a result of domestic violence. This proposal would only confuse and complicate juries. UVVA would make it more difficult to prosecute criminals than the approach in the Motherhood Protection Act. Congress should draw a bright line that assaults against pregnant women are especially wrong and will be prosecuted and punished with increased penalties. For these reasons, I oppose the Unborn Victims of Violence Act and urge my colleagues to support the Motherhood Protection Act.

Mr. NORWOOD. Mr. Speaker, I rise today to encourage my colleagues in the House to do the right thing—to stand up in defense of expectant mothers and their unborn children against violent criminals—and support the Unborn Victims of Violence Act.

In the day leading up to this debate, ultimately to the vote on this very important bill, I have to admit—I've struggled.

However, it's not the troubling facts or my position that I've struggled with Mr. Speaker—instead, I've struggled to find one good reason (any good reason) why this Congress and this Federal Government would continue to tell expectant mothers (mothers who have chosen childbirth and have every intention of seeing it through) that we can protect you against violent crime—but when it comes to your child . . . all we can say is, ''sorry, we can't help you.''

Mr. Speaker, as folks back in my home state of Georgia say, ''that's as wrong as the day is long'' . . . It's high time we did something about this and passed this legislation.

Yet, despite the facts and the very strong support of the American people for this bill, we continue to hear from a band of critics on the other side of the aisle insisting that this debate is really somehow about abortion . . . that even though this bill says absolutely nothing about any abortion law anywhere in our nation—that's really what this bill is all about.

Well, the reaction of this country dentist from Georgia to that kind of nonsense is pretty simple: hogwash! This bill is about one thing and one thing only—letting America's expectant mothers know that the child they have chosen to give birth to is protected by this Federal Government against the dastardly acts of violent criminals.

Mr. Speaker, I'm not struggling anymore. The answer is clear: there is no good reason that our government should allow this tragic double-standard to continue.

Again, I urge my colleagues in this body to do the right thing and vote in favor of the Unborn Victims of Violence Act.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to join my colleagues in support of the Unborn Victims of Violence Act. It is imperative to ensure those ''most vulnerable'' in our society are, in fact, protected from criminal assailants, and that we impose a penalty when acts of violence against these unborn victims fall under Federal criminal law. Some claim this measure will infringe on a woman's right to choose. But currently, 29 States have statutes that criminalize the killing of a fetus or ''unborn child'', and none of these laws have affected States' practice of legal abortion. Criminal defendants have brought many legal challenges to the state unborn victims laws, based on Roe v. Wade and other constitutional arguments, but all such challenges have been rejected by State and Federal courts. We cannot turn our backs on mothers, fathers, and grandparents across our Nation who lose unborn babies due to heinous acts of violence every year. This will serve as an additional deterrent to crimes against pregnant women. I commend the sponsors and leadership for bringing this to the floor and I urge an ''aye'' vote.

Mr. BURTON. Mr. Speaker, today we passed legislation to protect the unborn from acts of violence. The Unborn Victims of Violence Act, H.R. 1997, sends a clear and strong statement that anyone who injures or kills unborn children is committing a crime. I wish my fellow colleagues would join me in making as equally strong a statement when it comes to injuring our children by injecting them or their mothers or their fathers with vaccines containing the mercury-based preservative Thimerosal.

Over the last several years, I have conducted 19 hearings on vaccine safety and the detrimental health effects of other mercury-containing medical products. On May 21, 2003, my subcommittee's 80-page report entitled, ''Mercury in Medicine—Taking Unnecessary Risks'' was published in its entirety in the CONGRESSIONAL RECORD. This study was the result of a 3-year investigation initiated during my tenure as the chairman of the House Committee on Government Reform, and it outlines the undeniable connection between mercury in all its forms and possible permanent health risks, including brain and kidney damage.

According to the U.S. Centers for Disease Control, developing fetuses and young children are the most vulnerable and susceptible to the potential harms of mercury damage. Because of this, a joint statement was issued in July 1999 by the American Academy of Pediatrics and the U.S. Public Health Service, ''recommending removal of Thimerosa from vaccines as soon as possible (CDC, 1999).'' It is now 2004, and there are still at least 3 vaccines on the pediatric schedule that still contain Thimerosal (flu, Hib/HepB, and DtaP).

In 2001, the Institute of Medicine conducted an Immunization Safety Review meeting on safety concerns regarding Thimerosal. In their report, it was concluded in their ''Recommendations Regarding the Public Health Response'' section that ''. . . a causal relationship between Thimerosal-containing vaccines and neurodevelopmental disorders . . . is biologically plausible.''

I believe that it is good public policy and simple common sense for this House to

strongly assert that all United States Health Agencies should take concrete steps to eliminate the usage of mercury in any capacity, particularly from all vaccines and dental amalgams. I believe that it is good public policy and simple common sense for this House to strongly assert that any vaccinations provided under or purchased for the Vaccines for Children Program be completely devoid of Thimerosal.

Numerous scientists have testified that there is a simple way to do this, and that is to only use single-shot vials—those little glass containers. Manufacturers would not have to put Thimerosal or any other preservative in their vaccines if they switched to the single-shot vials. Moving to single-shot vials could have an enormously positive impact in helping to minimize, perhaps even eliminate, some cases of Alzheimer's, autism, and other neurological disorders linked to mercury.

This is something that the pharmaceutical companies must address. Our Food and Drug Administration and health agencies are asleep at the switch. They are letting children and adults be damaged day after day after day by allowing mercury to continue to be put into vaccines for adults and children.

We have a growing number of people who are being diagnosed with Alzheimer's, a dramatically growing number. We have 1 in 10,000 children 10 years ago that were autistic, now it is 1 in 150. And scientists before my Committee on Government Reform Subcommittee on Human Rights and Wellness say it is in large part because of the mercury in the vaccines. We have to get the FDA on the stick. They have to demand that pharmaceutical products containing mercury have the mercury taken out of them very, very quickly. If not, we are going to continue to have an epidemic on our hands that America does not need and should not tolerate.

Mr. BRADY of Texas. Mr. Speaker, I rise in support of H.R. 1997, the Unborn Victims of Violence Act and want to thank my colleague from Pennsylvania for introducing it.

Sadly, in America today an individual who commits a Federal crime of violence against a pregnant woman receives no additional punishment for killing or injuring the woman's unborn child while committing the crime. America's mothers and their unborn children deserve better. When the crime involves two victims, the law must protect and provide justice for both.

The legislation we are considering today, H.R. 1997 would make it a separate Federal crime to hurt or kill an unborn child during the commission of a Federal crime against a pregnant woman. Over half of the States in our country currently recognize both the mother and the unborn child as victims of violent crimes.

In fact, just last week the Commonwealth of Kentucky enacted a fetal homicide law in response to public attention to a recent tragedy in that State where 18-year-old Ashley Lyons and her unborn son, Landon, were killed.

As both a strong supporter of victim's rights and a pro-life advocator, I recognize that the voices of members of families who have lost loved ones—born and unborn—in crimes of violence, are an important part of the debate over this important bill.

Carol Lyons, Ashley's mother, says,

Nobody can tell me that there were not two victims—I placed Landon in his mother's arms, wrapped in a baby blanket that I had sewn for him, just before I kissed my daughter goodbye for the last time and closed the casket.

The House of Representatives overwhelmingly passed this bill in 1999 and again in 2001. In both cases, it was never brought up for a vote in the Senate.

However, this year we finally have an opportunity to finally enact this legislation into law. Recent violent crimes involving the murder of young pregnant women and their unborn children have captured national attention and brought to light the judicial plight family members of victims face when they seek justice.

I also strongly oppose the substitute amendment being offered by Congresswoman ZOE LOFGREN. Her amendment fails to recognize the unborn child as a victim of a crime, even in circumstances when the perpetrator acts with specific intent to kill the unborn child. A vote in favor of the Lofgren substitute is a vote to codify the doctrine that an attack on a pregnant woman has only a single victim, even when the mother survives and the baby dies.

Mr. CANTOR. Mr. Speaker, as legislators, it is our responsibility to stand up and protect innocent members of society. Presently, an individual who commits a Federal crime against a pregnant woman receives no additional punishment for killing or injuring the woman's unborn child while committing the crime.

The Unborn Victims of Violence Act protects pregnant women and their unborn babies. The current Federal law is unjust, and Laci and Conner's Law will protect women from further abuse. This new law will send the right message that both a mother and a child should be protected.

Right now, the law says that the pregnant mother is the only victim in a crime, and nothing could be further from the truth. There are two victims harmed in this crime, the mother and her unborn baby. As a cosponsor of this legislation, I will work to ensure it is enacted into law this year.

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

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

The SPEAKER pro tempore (Mr. GILLMOR). All time for general debate on this bill having expired, it is now in order to consider the amendment printed in part B of House Report 108–427 by the gentlewoman from California (Ms. LOFGREN).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the Nature of a Substitute offered by Ms. LOFGREN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Motherhood Protection Act of 2004''.

SEC. 2. CRIMES AGAINST A WOMAN THAT AFFECT THE NORMAL COURSE OF HER PREGNANCY.

(a) Whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction of the person so engaging for a violation of any of the provisions of law set forth in subsection (c), and thereby causes an interruption to the normal course of the pregnancy resulting in prenatal injury (including termination of the pregnancy), shall, in addition to any penalty imposed for the violation, be punished as provided in subsection (b).

(b) The punishment for a violation of subsection (a) is—

(1) if the relevant provision of law set forth in subsection (c) is set forth in paragraph (1), (2), or (3) of that subsection, a fine under title 18, United States Code, or imprisonment for not more than 20 years, or both, but if the interruption terminates the pregnancy, a fine under title 18, United States Code, or imprisonment for any term of years or for life, or both; and

(2) if the relevant provision of law is set forth in subsection (c)(4), the punishment shall be such punishment (other than the death penalty) as the court martial may direct.

(c) The provisions of law referred to in subsection (a) are the following:

(1) Sections 36, 37, 43, 111, 112, 113, 114, 115, 229, 242, 245, 247, 248, 351, 831, 844(d), (f), (h)(1), and (i), 924(j), 930, 1111, 1112, 1114, 1116, 1118, 1119, 1120, 1121, 1153(a), 1201(a), 1203(a), 1365(a), 1501, 1503, 1505, 1512, 1513, 1751, 1864, 1951, 1952(a)(1)(B), (a)(2)(B), and (a)(3)(B), 1958, 1959, 1992, 2113, 2114, 2116, 2118, 2119, 2191, 2231, 2241(a), 2245, 2261, 2261A, 2280, 2281, 2332, 2332a, 2332b, 2340A, and 2441 of title 18, United States Code.

(2) Section 408(e) of the Controlled Substances Act of 1970 (21 U.S.C. 848).

(3) Section 202 of the Atomic Energy Act of 1954 (42 U.S.C. 2283).

(4) Sections 918, 919(a), 919(b)(2), 920(a), 922, 924, 926, and 928 of title 10, United States Code (articles 118, 119(a), 119(b)(2), 120(a), 122, 124, 126, and 128).

The SPEAKER pro tempore. Pursuant to House Resolution 529, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us be clear, on its face, the Unborn Victims of Violence Act appears to be a tool to prevent assault against pregnant women and nonconsensual termination of pregnancy. Upon closer examination, it is obvious that the purpose of the bill is to conflict with the core principles of Roe v. Wade.

The Unborn Victims of Violence Act focuses on, legally recognizes a fetus, an embryo, a blastocyst, a fertilized egg as a person with rights and interests separate from and equal to those of the woman.

Today I offer a substitute that my colleagues and I hope can unify Members on both sides of the debate over choice to achieve a very important goal, the deterrence and punishment of violent acts against pregnant women.

According to the purported goals of H.R. 1997, that is our common ground, but it is clear that the purpose of H.R. 1997 is not actually to achieve the purported common goal of protecting pregnant women from assault. If that were the case, we would all vote today

for the Lofgren substitute and begin to ensure that women across the country are safe from violence.

The Lofgren substitute does not threaten Roe v. Wade, but instead creates a new separate offense for any violent or assaultive conduct against a pregnant woman that interrupts or terminates her pregnancy. The substitute provides that any termination in the pregnancy is punishable by a fine and imprisonment of up to 20 years, and if the pregnancy is terminated, even if unintentionally, the assailant can be sentenced to life in prison. These penalties are even tougher than those provided for in the Unborn Victims of Violence Act.

Those of us who have experienced a miscarriage understand a very essential truth: The loss is something you never forget. Whether the woman is 6 weeks pregnant or 6 months pregnant, the loss is acutely felt by that woman, and it deserves the full penalty that the law can provide.

Penalties under H.R. 1997, however, vary depending upon the underlying crime resulting in inconsistent penalties for the same horrific crime. In fact, under H.R. 1997, if a postal worker was assaulted and there is a resulting injury to her pregnancy, there is only a maximum penalty of 3 years; but if the same assault happened to another Federal employee, her assailant could get up to 8 years in prison under H.R. 1997. Why should the penalty for injury to one pregnant woman over another depend upon where she works? It defies logic and reason.

Unlike the Unborn Victims of Violence Act, the Lofgren substitute has tough, consistent penalties for the same horrific crime, regardless of irrelevant circumstances like the place of employment. A loss or injury to a pregnancy is the same loss to a woman no matter where she works.

Mr. Speaker, advocates for H.R. 1997 say their bill is about protecting women from violence. In fact, the bill ignores women. H.R. 1997 does not address the woman nor the assault committed against her. Under H.R. 1997, there is a possibility that the crime against the woman could go unpunished because there is no conviction requirement for the underlying crime. How can the other side say they are preventing crime against pregnant women when you ignore her and the crime against her?

Mr. Speaker, the bottom line is the Lofgren substitute does not needlessly interject the abortion debate and exploit what is concededly a matter of a pregnant woman's right to a safe, healthy and free from horrific acts of violence pregnancy.

Although many have said that the underlying bill has nothing to do with abortion, I think it is important to look at what some of the proponents of the antichoice movement have said about the bill, and I would like to quote Samuel Casey, the executive director of the Christian Legal Society, who said last year, ''In as many areas as we can, we want to put on the books that the embryo is a person. That sets the stage for a jurist to acknowledge that human beings at any stage of development deserve protection, even protection that would trump a woman's interest in terminating a pregnancy.''

Joe Cook, vice president of the American Association of Pro Life Obstetricians & Gynecologists, said last year, ''We have to approach this in a way that is doable, a step at a time. This bill is aimed at establishing that a fetus in utero is a human being and has human rights.''

Finally, Senator ORRIN HATCH said last year, ''They say it undermines abortion rights; it does, but that is irrelevant.'' Irrelevant perhaps in the other body, but not to me.

Mr. Speaker, I support legislation that has the goal of protecting a pregnant woman from violence. I cannot do so through legislation that would also undermine other extremely important rights of women, like the right to choose. That is antithetical to the protection and safety of women.

I hope we can come together on this substitute. Last Congress there were a number of antichoice Members of the House that voted for the substitute, understanding that the penalties are more severe and would provide more complete protection for women. I urge those individuals to do so again to show this country that Congress is serious about protecting pregnant women from violence.

We have in this country and in this House strong disagreement about who gets to decide whether a pregnancy will be brought to term or not, the Congress or the woman. That debate is going to go on for a long time, but it does not have to be part of this discussion. We can come together to protect women against violence without having the argument about abortion involved in that effort. I hope that we can come together to embrace common ground on what I think could be a moment of triumph for this Congress and for the American people in standing against violence against women.

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

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

Mr. Speaker, the substitute amendment should be soundly defeated as it would throw salt into the wounds of those parents who have implored this Congress to recognize under Federal law the loss of their loved, unborn child.

These mothers are not seeking recognition of the violence they have suffered alone. They are seeking recognition of the violence their unborn children have suffered as well. They are seeking recognition of the loss of their unborn child.

H.R. 1997 recognizes that loss; the substitute does not. This House has defeated this substitute amendment each time it has been brought up, with increasing margins during the 106th and 107th Congresses. We should increase that margin today.

A recent Fox News poll asked, ''If Scott Peterson is convicted of killing his pregnant wife, Laci, do you think he should be charged with one count of homicide for murdering his wife, or two counts of homicide for murdering both his wife and his unborn son?'' An overwhelming 84 percent of the American people responded that two counts, not one, should be brought.

These results are confirmed by two other recent polls that show support for two separate charges for violent criminals who harm mothers and their unborn children. Support for a separate charge for an unborn victim is 84 percent, according to a Newsweek poll, and 79 percent, including 69 percent of those who describe themselves as prochoice, according to another Fox News poll conducted in July. Each poll found that less than 1 in 10 Americans disagree.

I would ask my colleagues to join with the overwhelming majority of Americans who have responded to these polls, including those who describe themselves as being prochoice, to reject this amendment and not join with the very small minority, less than 1 in 10 of those who are polled, who would support the one-victim approach.

□ 1230

This substitute amendment embodies the extreme ideology of those who are unwilling to recognize an unborn child in the law in any context whatsoever. The term ''unborn child'' as used in H.R. 1997 has been widely used and accepted by judges, including the Supreme Court, and Justice Blackmun, the author of the Roe v. Wade decision itself. The term ''unborn child'' has been widely tested in court and has sustained all constitutional challenges in terms of a fetal homicide law. Removing that term and replacing it with the vague and untested language of the substitute would accomplish nothing, while risking grave confusion and jeopardizing the conviction of violent Federal criminals. The abstract language in the substitute, which points to injuries to a ''pregnancy,'' ignores the fact that violent criminals can and do inflict injuries on a real human being in his or her mother's womb. If an assault is committed on a Member of Congress and her unborn child subsequently suffers from a disability because of the assault, that injury cannot accurately be described as an abstract injury to a pregnancy. It is an injury to an unborn child. The bill recognizes that. The substitute does not.

Also, unlike the language of H.R. 1997, the substitute contains no exceptions for abortion-related conduct, for conduct of the mother, or for medical treatment of the pregnant woman or her unborn child. This omission leaves

the substitute amendment bare to the charge that it would permit the prosecution of mothers who have abortions who inflict harm upon themselves and their unborn children or doctors who incidentally kill or injure unborn children during the provision of medical treatment. For that reason, the substitute amendment will certainly be subject to a successful constitutional challenge. The underlying bill has been tested and proven constitutional.

Today's debate is not about penalties. It is about victims. H.R. 1997 recognizes unborn victims of violence. The substitute does not. In the name of unborn victims, including Conner Peterson, Heaven Lashay Pace, Zachariah Marciniak, Landon Lyons and the others who are not named today but are known and loved and missed by their surviving family, the substitute should be soundly defeated and the bill passed.

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

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume. I would note that on line 6 on page 1 of the amendment, it notes that whoever engages in any violent or assaultive conduct against a pregnant woman resulting in the conviction of the person so engaging does not include an abortion that is legal because of Roe v. Wade.

Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I stand here today strongly supporting the Lofgren substitute. The gentleman from Illinois (Mr. HYDE) is right, my colleagues and I have considered an unbelievable number of antichoice proposals over the last few years, including 200 since the Republicans took over the House of Representatives.

These proposals have troubled me; but this bill, the bill that we are considering today, is perhaps the most disconcerting of them all. Instead of openly admitting what they are attempting to do to a woman's reproductive freedoms, proponents of this bill are exploiting a senseless and tragic crime to make their true intentions hidden. Let me be clear. We all oppose violence against women, and we all understand that a violent attack on a pregnant woman is an especially heinous act that deserves a uniquely harsh punishment. But that is not what the underlying legislation is about.

Our constituents deserve an honest debate about this proposal and some very honest information. I am sure that many people assume that this legislation if it were approved would have an impact on the tragic case in California after which this case is named. People also probably assume it would create an effective new tool to prosecute many domestic abusers who harm their pregnant wives or girlfriends. That is simply not true. Women are the victims of violence across the country every day, but rarely does this violence fall in the jurisdiction of Federal courts. Unless a fetus is harmed in the commission of a violent Federal crime, this bill will not apply.

Considering that this new law would rarely be applied, you may wonder, then, why are we here today talking about it? We are here to undermine the fundamental protections of Roe v. Wade with platitudes about violence against women thrown on as window dressing. If this bill passes, a 2-hour-old fertilized egg will have the same rights as the woman bearing it. Antichoice forces have been very open and honest about their strategy for turning back the clock on reproductive freedom in this country. In fact, we have heard many of the underlying bill's proponents tell you that the egg is a human. By declaring that even a fertilized egg is a person, proponents are laying the groundwork for undermining women's ability to make their own medical choices and decisions.

Thankfully, we have an opportunity to address horrific acts of violence against pregnant women without undermining the woman's ability to control her own body. This ability is through the Lofgren substitute, which establishes appropriately harsh penalties for those who violently harm pregnant women without reducing her rights to that of a fertilized egg. We should not be debating this today. We should be debating and approving policies that will help keep every woman safe in her own home and ensure that every pregnancy is a healthy one. I urge my colleagues to join me in supporting the Lofgren substitute and opposing the underlying bill. This bill is nothing but an exploitive attempt to end reproductive freedom.

Mr. SENSENBRENNER. Mr. Speaker, I yield 7 minutes to the gentleman from Ohio (Mr. CHABOT), the distinguished subcommittee chairman.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time. This substitute amendment should be soundly defeated. The substitute amendment appears to operate as a mere sentence enhancement authorizing punishment in addition to any penalty imposed for the predicate offense. That is most unfortunate. No sentencing enhancement can adequately express society's disapproval for the distinct loss that occurs when a mother's unborn child is harmed or killed by a violent criminal. A loss that is both unique and uniquely offensive to both a loving expectant mother and to the vast majority of Americans warrants a unique and separate offense under the criminal law. H.R. 1997 provides for a separate offense. The substitute does not.

Indeed, the witnesses we heard from in committee supporting H.R. 1997, this bill, have told us that they are not Republicans or Democrats, they are not lawyers, they are people who have lost unborn children to violence, and they want those children treated appropriately under the law. That is precisely what H.R. 1997 does. The substitute does not.

Sharon Rocha, the mother of Laci Peterson and the grandmother of unborn victim, Conner Peterson, has written that ''the Lofgren proposal would enshrine in law the offensive concept that such crimes have only a single victim, the pregnant woman.''

Shiwona Pace, whose unborn child, Heaven, was brutally murdered by three hired hitmen, has said, ''It seems to me that any Congressman who votes for the one victim amendment is really saying that nobody died that night. And that is a lie.''

Those who focus this debate on penalties and abstract terms such as harm to a pregnancy rather than to an unborn child misunderstand the purposes of the criminal law. The criminal law does not exist only to punish criminals; it exists to lend dignity to victims, including unborn victims. It is an expression not only of society's disapproval of certain conduct, but of its recognition of the victims of such conduct and the manner in which such victims should be recognized. Creating a separate offense for harm to an unborn child forces all of us, including potential criminals, to consider the act of harming an unborn child as an independent evil.

A Newsweek poll found that only 9 percent of those surveyed, less than one in 10 Americans, oppose a separate offense for killing an unborn child. Those 9 percent of Americans should be heard, of course; and they have been heard through this substitute amendment. But they must not win, as the law exists in large part to reflect America's overwhelmingly shared values, and those shared values support separate charges for the killing and injuring of wanted, unborn children.

I ask, looking at this picture, this is Tracy Marciniak that we have talked about. This is her unborn child here, Zachariah. Tracy was attacked by her husband when she was 8 months pregnant with this child. Tracy survived her physical injuries. The child died that night. I ask you, this is the funeral of this child. There is Tracy holding her child. How many victims do we see in this photograph? I think it is clear, there are two victims in that photograph. This legislation that we are addressing here today recognizes two victims. The substitute amendment does not.

The terminology in the substitute amendment is hopelessly confusing; and if adopted, it will almost certainly jeopardize any prosecution involving the injuring or killing of an unborn child during the commission of a violent crime. The substitute amendment provides an enhanced penalty for ''interruption to the normal course of the pregnancy resulting in prenatal injury, including termination of the pregnancy.'' The amendment then authorizes greater punishment for an interruption that terminates the pregnancy than it does for a mere interruption of a pregnancy. What exactly is

the difference between an interruption of a pregnancy and an interruption that terminates the pregnancy? The substitute does not say. Does any interruption of a pregnancy not necessarily result in a termination of the pregnancy? Or have the supporters of this amendment somehow succeeded in mastering the science of suspended animation? By defining an interruption to the normal course of the pregnancy, the substitute is either science fiction or simply impossible for Federal prosecutors to decipher and apply.

The substitute amendment is a moral failure in that it refuses to recognize that unborn children can be victims of violence. It is a drafting failure in that its ambiguous terminology would leave prosecutors at a loss as to how to administer it. And it is a constitutional failure in that it contains no exceptions for abortion-related conduct. The substitute should be soundly defeated.

In my view, it all comes down and this entire debate is best summed up in a single photograph. Whether or not there are two victims in this photograph or only one is the issue that is at hand. The majority in this House, as we have had it here twice before and it has passed with pretty overwhelming numbers, the majority of us see the clear indication in this picture that there are two victims. The substitute amendment, and it is craftily worded, but ambiguous enough that prosecutors have indicated that successfully prosecuting an offense under the substitute is virtually impossible; but the people that support that particular substitute amendment are indicating in essence that there is only one victim here. I think common sense should prevail. There are two victims.

I would strongly urge my colleagues to defeat the substitute amendment and pass the underlying bill.

Ms. LOFGREN. Mr. Speaker, I would just note that just for corrective purposes, the Lofgren substitute does provide for a separate offense, not a sentence enhancement.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), a member of the Committee on the Judiciary.

Ms. BALDWIN. Mr. Speaker, I rise today in strong support of the Lofgren substitute to H.R. 1997. Violence against women remains epidemic in our society. According to a Commonwealth Fund survey, nearly one out of every three adult women experiences at least one physical assault by a partner during adulthood. Acts of violence committed against pregnant women are especially heartbreaking and abhorrent. Congress should and must focus sharply on efforts addressing this issue.

□ 1245

But we can address this issue without tangling it in the abortion debate. And the gentlewoman from California's (Ms. LOFGREN) substitute does exactly that. It focuses on the crime of violence against the pregnant woman without undermining a woman's right to choose. The substitute creates a separate and distinct crime for any violent assault against a pregnant woman that harms or ends her pregnancy, in addition to the assault of the pregnant woman.

Most importantly, this substitute avoids the issue of fetal rights and fetal personhood. It correctly recognizes that the pregnant woman is the primary victim of an assault that causes harm to, or termination of, her pregnancy. In this way, the substitute we consider today accomplishes the stated goals of the underlying bill, the deterrence and punishment of violent acts against pregnant women, without bogging us down in the abortion debate.

I urge my colleagues to ask themselves why H.R. 1997 treats an embryo or a fetus at any stage of development as an individual with extensive legal rights distinct from the mother. How would establishing this legal framework reduce the occurrence of crimes against pregnant women? The answer is that the underlying bill is not directed to the pregnant woman. Instead, it unnecessarily opens up an abortion debate.

I applaud the gentlewoman from California's (Ms. LOFGREN) efforts of addressing the serious issue of violence against pregnant women in a way that accomplishes the goal of reducing this violence in a nonaggressive manner, and I urge my colleagues to support this substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman for yielding me this time as well as the opportunity to debate the substitute.

This bill, the underlying bill, does address the rights of women. We have heard many who oppose it and support the substitute state that it does not. And it clearly allows a woman to seek punishment from the perpetrator of a crime against her that she may survive and that may cause the death of her unborn child. A woman who has made a decision to carry a child has that taken away from her during a violent act. Somehow I do not see how this reduces her rights.

The Lofgren substitute, however, fails entirely to recognize unborn children as victims of violent crime; in fact, transforming the child's injuries to what amount to mere abstractions. The terminology in this substitute is virtually incomprehensible, and if adopted, it will almost certainly jeopardize any prosecution for injuring or killing an unborn child during the commission of a violent crime against the mother.

The substitute amendment provides an enhanced penalty for what is called interruption of the normal course of pregnancy, resulting in prenatal injury, including termination of pregnancy. The amendment then authorizes greater punishment for the interruption that terminates the pregnancy than it does for a mere interruption of the pregnancy. But what exactly is the difference between the termination and the interruption of a pregnancy? It implies that a pregnancy can stop and start again, but does not an interruption of a pregnancy necessarily result in the termination of the pregnancy? And what does the phrase ''termination of the pregnancy'' really mean here? Does it only mean that the unborn child died, or could it also mean that the child was born prematurely even without suffering any injury? These ambiguities make the substitute impossible to comprehend and certainly difficult to enforce.

Second, the substitute amendment appears to operate as a mere sentence enhancement, authorizing punishment in addition to any penalty imposed for the crime against the mother. Yet the language suggests there should be a separate offense for killing or injuring the unborn child, but then it does not allow the prosecutor to proceed with a crime against the unborn child. Is a separate charge necessary for the enhanced penalty to be imposed? The substitute amendment simply does not make this clear.

It also mischaracterizes the nature of the injury that is inflicted when an unborn child is killed or injured during the commission of such a violent crime. Under the current language of the bill, a separate offense is committed whenever an individual causes the death or injury of a child who is in utero at the time the conduct takes place. The substitute would transform the death of the unborn child again into an abstraction, ''terminating a pregnancy.'' Bodily injury inflicted upon the child would become a mere prenatal injury. Both injuries are described as resulting from the interruption of the normal course of pregnancy. These abstractions ignore the fact that the death of the unborn child occurs when a pregnancy is violently terminated by a criminal.

The substitute also fails to recognize that a prenatal injury is an injury inflicted upon a human being in the womb of his or her mother. If an assault is committed on a pregnant woman, and her child subsequently suffers from a disability because of the assault, the injury cannot be accurately described as an abstract injury to a pregnancy. It is only an injury to a human being. Our bill recognizes that; the substitute does not.

The substitute is fatally flawed and should be rejected.

Sharon Rocha, the mother of Laci Peterson, the grandmother of unborn victim Conner Peterson, has written that ''the Lofgren proposal would enshrine in law the offensive concept that such crimes have only a single victim, the pregnant woman.'' The substitute amendment embodies the extreme ideology of those who are unwilling to

recognize the unborn child under law in any way.

Our approach works. Twenty-nine States have laws that recognize two victims. They have been challenged in court and have survived. Reject this substitute. Support the bill that will provide for two victims, and one that we know that works, and one that is not offensive to the families of these victims.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I have left a hearing to come to the floor to congratulate the gentlewoman from California for coming forward with a bill that does what the great majority of the American people want to see us do today.

Is the point here to penalize crimes against pregnant women or to give personhood to the fetus? I think the majority would say it is time this Congress got around to recognizing that when, in fact, a violent crime is committed against a pregnant woman, that is a crime against the family, and we should have done something about it long ago.

But what we are doing here with the bill that is on the floor is forcing some Members to vote against the bill, a bill that would otherwise have nearly universal approval in this House. It reminds me of the years it took us to pass the Violence Against Women Act because we nitpicked at it, at this, that, and the other. And it must have been 6 or 7 years before the Violence Against Women Act passed in the face of rising violence against women.

We are doing the very same thing with crimes against pregnant women. It is a terrible act to commit a violent crime against a pregnant woman. We should not leave this place unless we come to an agreement on, in fact, dealing with that crime and that crime alone.

What the majority is trying to do here I want to say to them I do not think they can constitutionally do anyway. The majority cannot confer personhood on a fetus in the face of Roe v. Wade. They can keep coming to the floor all they want to, but I do not think that they can successfully do that by statute. But we can keep a substitute that is critically important from coming out of the Congress by insisting on conferring personhood against the will of the majority of people, of the majority of the United States, who support the common-sense approach to choice.

The number of pregnant women who have been murdered has been grossly underreported because they are reported as murders. It is time we did something about it. This is a separate offense. It is a separate criminal offense. It does what needs to be done. I congratulate the gentlewoman for getting us to where we need to be today, justice for women, finally, on violence against those who are pregnant.

Mr. SENSENBRENNER. Mr. Speaker, I have one more speaker to close on this side. Does the gentlewoman from California have any further speakers?

Ms. LOFGREN. Mr. Speaker, may I ask how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman has 15 minutes.

Ms. LOFGREN. Do I have the right to close, Mr. Speaker?

The SPEAKER pro tempore. The majority manager has the right to close.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a member of the Committee on the Judiciary.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in opposition to the Unborn Victims of Violence Act and in support of the substitute bill offered by the gentlewoman from California (Ms. LOFGREN), the Motherhood Protection Act.

I believe very strongly that violence against pregnant women is one of the most morally reprehensible crimes. Any act of violence against pregnant women should be condemned, and I support legislation that protects women and their unborn fetuses from violence.

However, I have to rise and oppose the Unborn Victims of Violence Act that we are considering on the floor today because it jeopardizes a woman's right to choose and fails to protect women from violence. This bill is a blatant attempt to undermine a woman's right to choose, disguised, sadly, as an effort to protect women from violence. Under the Unborn Victims of Violence Act, for the first time anywhere in Federal law, an unborn fetus at any stage of development will be treated as a person that can be an independent victim of a crime. It is not that hard to figure out that it is a direct attack on a woman's right to choose as established in Roe v. Wade.

The Unborn Victims of Violence Act is also inadequate for protecting women from violence. If the proponents of this bill were, in fact, sincere in their desire to prevent harm to unborn fetuses, they would start by preventing harm to pregnant women. It is very telling that the Unborn Victims of Violence Act is silent on the issue of preventing and punishing violent crimes against women and that the proponents of this bill will not accept the substitute bill offered by Ms. LOFGREN, the Motherhood Protection Act.

The gentlewoman from California's (Ms. LOFGREN) substitute provides women and fetuses with the protections they need. It creates a separate Federal crime. It is not merely an enhancement. It is a separate Federal crime for harm to pregnant women and imposes a penalty of up to 20 years in prison for injury to embryos or fetuses. If a woman's pregnancy is terminated in an attack, the penalty can be up to life in prison.

The Lofgren substitute is a far better bill than the Unborn Victims of Violence Act because it protects women, it protects fetuses, and it still preserves a woman's right to choose. I urge my colleagues on both sides of the aisle to show women in this country that we will protect them from violence by voting no on the Unborn Victims of Violence Act and voting yes on the superior Lofgren substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me this time.

Mr. Speaker, this on my left is a picture of Tracy Marciniak holding her son at his funeral. She met with me. She met with other Members. The gentleman from Ohio (Mr. CHABOT) just spoke of this, to tell us what happened to her and to her son Zachariah. Minimum time was given to the attacker, her husband, and there was no penalty whatsoever imposed for the killing of this little baby. Tracy has written to Congress, and I hope you all stand up and take notice, and said ''Congress should approve the Unborn Victims of Violence Act. Opponents of the bill have put forth a counterproposal, known as the Lofgren amendment. I have read it,'' she goes on to say, ''and it is offensive to me because it says that there is only one victim in such a crime, the woman who is pregnant.

''Please hear me,'' she goes on to say. ''On the night of February 8, 1992, there were two victims. I was nearly killed. Little Zachariah died.

''Any lawmaker who is thinking of voting for the Lofgren 'one-victim' amendment should first look at this picture of me holding my dead son at his funeral. Then I would say to that Representative, 'If you really think that nobody died that night, then vote for the 'one-victim' amendment.'''

Mr. Speaker, the Lofgren amendment stripped of its surface appeal trappings and enhanced penalty does have one proabortion strategic objective, and that is denial. Denial that an unborn child has inherent dignity, denial that an unborn child has worth, denial that an unborn child has innate value. The gentlewoman from California (Ms. WOOLSEY) said a few moments ago in this debate we all oppose violence against women. I thank her for that admission.

Back in the 106th Congress I was prime sponsor of legislation that included the Violence Against Women Act, the 5-year authorization. The gentleman from Illinois (Mr. HYDE), who was then chairman of the Committee on the Judiciary, worked to craft language that throws the book at those who commit violence against women, while providing shelters, and so many others worked on that. It was division B of that bill. I was the prime sponsor. So no one on that side of that divide takes a back seat to anyone that says that somehow we are not against violence against women.

The gentlewoman from Wisconsin (Ms. BALDWIN) said a moment ago that

the woman is a victim and not the only victim. There is another victim, the baby. And I just want to say again, talking about the gentlewoman from California's (Ms. WOOLSEY) comments, while we are all against violence against women, we are not all against violence against unborn children. And this bill offered by the gentlewoman from Pennsylvania (Ms. HART) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and the others who are leading the effort on this are saying a mugger or killer does not have an unfettered right or access to an unborn child to kill him or her.

□ 1300

The amniotic sac is a protective covering over an unborn child, but it is not made of Kevlar. Those sacs can be pierced so easily by a knife or by a bullet, and we are saying when a knife or a bullet or a fist pierces and kills a little baby like Zachariah, there ought to be a separate offense. Yes, throw the book at the mugger for any offense that he commits against a woman, we are all for that, but do not deny a penalty for a child who has been killed by that mugger.

Vote against the Lofgren amendment and for the Hart bill.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the substitute that I have offered creates a separate Federal criminal offense for assaulting a pregnant woman resulting in injury or termination of her pregnancy, without entangling the issue in our disagreement about abortion and the woman's right to choose.

In addition to recognizing the horrendous underlying crime of assault on a pregnant woman, it recognizes the horrific crime of assault on a pregnant woman that results in the interruption or termination of a pregnancy. It creates an offense that protects pregnant women and punishes violence without conflicting with the core principles of Roe v. Wade.

The substitute provides consistent penalties for the same horrific crime. It provides for a consistent maximum 20-year sentence for injury and a consistent maximum life sentence for causing the termination of a woman's pregnancy. It requires a conviction for the underlying criminal offense, ensuring the crime against the woman is also punished, and it focuses on the assault of violence committed against the pregnant woman, providing a deterrent effect for violence against women.

I am sure that the Members of this body who oppose a woman's right to choose also oppose violence against women. There is no disagreement on that score. All I am saying with my substitute is that we have the ability to come together in this substitute against violence against women without engaging in our very serious disagreement about choice.

I think it has been made clear by the proponents of this bill that it is about choice. That is why this bill, the underlying bill, was referred and considered by the Subcommittee on the Constitution, not the Subcommittee on Crime, in the Committee on the Judiciary, because it is about the Constitution.

The point of the underlying bill is to undercut Roe v. Wade. I think Roe v. Wade provides important protections for the women of this country. I am 56 years old, and I remember as an undergraduate in college young women who had to seek abortions from illegal providers or go to another country. I know women who almost lost their lives. Thankfully, because the Supreme Court has now recognized that women have the right to make choices about their own reproduction, women now do not have to seek illegal or dangerous health care solutions when they have made a decision that they cannot have a child.

I think that Roe v. Wade, by allowing women to make decisions about their own lives, is an important principle and an important defense for the freedom of American women, and I do not think American women should give up their freedom in order to get protection from violence. That is what I think the underlying intent of H.R. 1997 is. I think that is why the National Coalition Against Domestic Violence, which represents organizations and domestic violence shelters in all 50 States, opposes H.R. 1997.

So I hope the Lofgren substitute will be approved, and I hope that we can come together to stand against violence and for freedom for American women.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in strong support of the Lofgren amendment and in opposition to the Unborn Victims of Violence Act.

Mr. Speaker, the majority of Americans are prochoice, and they depend on us to protect a woman's right to choose, while at the same time working to make abortion rare by making sure that all women have a full range of reproductive choices. They depend on us to pass legislation that will protect their reproductive freedom, and they depend on us to know the difference between legislation that truly protects women and legislation that is discussed as something that it is not, like, for example, the bill that is before us now.

Today, Members of Congress who truly care about the issue of violence against women can put their words into action by voting for the Lofgren substitute. The substitute provides for the deterrence and punishment of violent acts against pregnant women, and it does so while completely avoiding the controversial issues of abortion. It creates a new separate crime with tough penalties, up to 20 years to life, for an assault that causes the termination of a pregnancy.

So my colleagues can choose to vote for the substitute and actually accomplish a goal they care about, or they can go with the underlying bill, which is nothing but a poorly disguised vehicle to undermine Roe v. Wade.

We are not fooled by this legislation. Our constituents will not be fooled by this legislation. If Members of the House really care about taking steps to protect pregnant women and punish the people who commit horrible acts of violence against them, we will all join together and vote for the Lofgren substitute.

There is only one real difference between the substitute and the underlying bill, and it is this one thing that reveals the true goal of H.R. 1997. The underlying bill creates a Federal criminal offense that provides a pregnancy from conception to birth with the legal status separate from that of the woman. Regardless of what we are hearing today from proponents of the legislation, there is only one reason to vote for this bill, and that is to support defining a fetus or a fertilized egg, for that matter, as a person.

If the supporters of the legislation want to debate the merits of abortion, let us do it out in the open. But they should be embarrassed about cloaking their true intent in an issue that we all agree upon, protecting pregnant women from violence.

We keep hearing those who support the bill talk about two victims, but what they are omitting is the fact that this bill does not mention the main victim, the woman, another indication this bill is not really about two victims at all. The Lofgren substitute is the bill that truly focuses on women, because it creates a Federal criminal offense for harm to a pregnant woman.

I strongly urge my colleagues to vote yes on the Lofgren substitute and no on final passage.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I thank the chairman for bringing this bill to the floor. It is a very important bill, and it is a very timely bill.

This bill has passed the House twice in two different Congresses. It is a bill that desperately needs to become law, because, Mr. Speaker, Laci Peterson had a son. He was never born, he never spoke a word or took his first steps, but he was real. Whoever killed Laci Peterson also killed her son, and to deny that is to deny truth. That unborn victims of violence are separate victims of violence is not a matter of interpretation, it is a matter of plain fact. A child could tell you that a man who kills a pregnant woman and her unborn child takes two lives.

Unborn victims of violence feel their own pain, suffer their own wounds and die their own excruciating deaths, and with this legislation before us, we have the opportunity to say so. We have the opportunity to say that in this Nation

unborn children targeted by violent men are guaranteed justice under the law, just as their murderers are guaranteed justice under the law.

The Unborn Victims of Violence Act is a matter of common sense and common decency. It should and will pass this body by an overwhelming, bipartisan majority, and make right in the law what is now blatantly and indefensibly wrong.

Mr. Speaker, I do not question the motives of those who plan to vote no. But to those who oppose this bill and support the substitute, support increased penalties for attacks against pregnant women without acknowledging the second victim of such attacks, I do ask this: Why? Why are the attacks against pregnant women like Laci Peterson so egregious? Why should they merit harsher penalties? Why do all people in all cultures, naturally, instinctively, recoil at such attacks? It is the vulnerability of the pregnant mother, to be sure, but it is also the innocence and the very being of the unborn child.

Civilized society has an obligation to punish injustice, no matter the size, strength or political inconvenience of its victim. Laci Peterson's son may have been robbed from this world before he ever touched it, but, Mr. Speaker, he was here. Today he may be looking down on us from the nurseries of Heaven, protected for eternity by the God who knit him together in the womb, nestled in the loving embrace of the mother who gave him his name, but before Conner Peterson was taken, Mr. Speaker, he was here.

Conner Peterson was here. Vote yes, and have the courage to say so.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to support the Lofgren substitute to the Unborn Victims of Violence Act (H.R. 1997), legislation to create a second Federal offense for harm to a pregnant woman without creating the second legal ''person.'' The Lofgren substitute accomplishes the stated goals of the Unborn Victims of Violence Act, the deterrence and punishment of violent acts against pregnant women. By allowing for a second Federal offense against a pregnant woman, perpetrators of violence will be punished to the full extent of the law and their crimes. H.R. 1997, without the Lofgren substitute, will do nothing to prevent violence against women and further undermines their reproductive freedom. Recognizing the fetus as a second legal ''person'' would be the equivalent of rolling back a well recognized right that was established over 30 years ago. The Lofgren substitute would preserve that right. Mr. Speaker, I urge my colleagues to support the Lofgren substitute.

Mr. LANTOS. Mr. Speaker, I rise in support of this amendment sponsored by my good friend and fellow Californian Congresswoman ZOE LOFGREN. This amendment clearly recognizes that crimes committee against pregnant women are especially egregious acts that should be subject to more stringent punishment. Specifically, this amendment would make it a separate Federal crime to cause, whether intentionally or not, a prenatal injury or the termination of the pregnancy of the victim during commission of a number of specified Federal offenses.

Mr. Speaker, I am certain all of my colleagues will agree that any violent crime against a person is deplorable in and of itself; however, crimes against expectant mothers are especially heinous and should be dealt with more severely. I applaud Congresswoman LOFGREN for introducing this amendment.

While I strongly support the amendment we are debating and am a cosponsor of similar legislation that was introduced by Congresswoman LOFGREN—the Motherhood Protection Act (H.R. 2247)—I feel an obligation to express my concerns and my strong opposition to the underlying legislation we are considering today, H.R. 1997, the Unborn Victims of Violence Act. Although these two bills appear similar at first blush, they are based on completely different premises.

The Lofgren amendment is based on the belief that when the normal course of pregnancy is disturbed by a violent crime, the mother is robbed of her chance to bring a child into this world. Such an act is intolerable and the offender should be subjected to additional punishment.

On the other hand, Mr. Speaker, the Unborn Victims of Violence Act extends victim status beyond the expectant mother and assigns legal status and protection to an unborn embryo or fetus. I believe this is nothing more than a thinly-veiled attempt to undermine the rights of women established in Roe v. Wade. Assigning legal rights to an unborn embryo or fetus is the fist step in granting ''personhood'' to an entity which does not yet meet the current threshold for the legal definition of a person. Passing this legislation would be the beginning of the slippery slope that will ultimately be used to limit a woman's right to choose.

Mr. Speaker, the legislation we are considering today is simply a politically-motivated effort by some of our colleagues to chip away at the underlying basis of Roe v. Wade. We, as legislators, have the responsibility to see through these extremist and extreme views, and to enact legislation that does not threaten our citizens with the loss of their Constitutional rights.

Mr. Speaker, a crime against a pregnant woman is an appalling and deplorable act that deserves the severe punishments specified in the Lofgren amendment. Without this amendment, the adoption of the Unborn Victims of Violence Act is simply a deplorable effort to take away from the women of this country the rights for which many have fought. I urge all of my colleagues to support the Lofgren substitute amendment to protect expectant mothers.

Ms. JACKSON of Texas. Mr. Speaker, I am here today because we have a better alternative to the Unborn Victims of Violence Act. I support Congresswoman ZOE LOFGREN's substitute, the ''Motherhood Protection Act.'' This is a crime bill that is designed to protect pregnant women from violence. The Motherhood Protection Act embodies many of the same principles that I offered as amendments in the House Judiciary Committee, where the Unborn Victims of Violence Act was originally introduced. I have always supported the intent of this bill, to protect the life of the pregnant mother who has suffered as a victim of a crime of violence and the viability of her pregnancy. However, I oppose the means which the drafters of the Unborn Victims of Violence Act have used to achieve its end. Like The Motherhood Protection Act, all my offered amendments referred to changing language in the bill, focusing on the pregnant mother instead of the fetus.

As a legislator, and as a mother, I want to protect the rights of women and children. As Chair of the Congressional Children's Caucus, I know how valuable and precious the lives of children are, and I will do everything in my power to ensure that any injustices are met with severe punishment. Unborn Victims of Violence does not do this, rather, the Motherhood Protection Act does.

The Motherhood Protection Act creates a second, separate offense with separate, strict, and consistent penalties for assault resulting in the termination of a pregnancy or assault resulting in prenatal injury.

The Motherhood Protection Act recognizes the pregnant woman as the primary victim of an assault that causes the termination of her pregnancy, and it creates a separate crime to punish this offense. In this way, the bill accomplishes the stated goals of the Unborn Victims of Violence Act—the deterrence and punishment of violent acts against pregnant women—while avoiding any undermining of the right of choose.

Unborn Victims of Violence fails to address the very real need for strong Federal legislation to prevent and punish violent crimes against women. Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood.

Congress can protect pregnant women from violence without resorting to controversial bills like Unborn Victims of Violence that undermine Roe v. Wade. We must take strong steps to prevent such attacks and must recognize the unique tragedy suffered by a woman whose pregnancy is lost or harmed as a result of violence. I am calling on Congress to support tough criminal laws that focus on the harm suffered by women who are victimized while pregnant, as well as a range of programs that promote healthy childbearing and family planning.

While I am pleased to see the Bush administration taking an active interest in women and children, I hope they will see that their goals can be met in other areas. I would like to see the Bush administration focus their efforts on caring for a pregnant woman by providing her decent medical care. I hope the Bush administration ensures more happy pregnancies and births, both with proper family planning and prenatal care. I call on the Bush administration to have care for the millions of children already living and breathing in our country, who go to school in overcrowded classrooms and dilapidated buildings.

We have a wide range of programs in place to help women and children. I would like my colleagues to spend more time encouraging and funding these, rather than once again undermining a woman's right to choose.

Ms. HARMAN. Mr. Speaker, I rise today in opposition to the so-called Unborn Victims of Violence Act, H.R. 1997. Proponents of this bill claim it addresses violence against pregnant women.

Let's be honest here. H.R. 1997 is not an anticrime bill, it is an antiabortion bill. This bill does not address the women who are victims of violence. In fact, this bill makes no mention of the woman and the harm to her that results

from an involuntary termination of her pregnancy.

Legislation that truly addresses the devastation of a pregnancy lost due to a violent crime should focus on the attack on the woman and resulting harm to her fetus, as does the amendment offered by my friend and colleague, the gentlewoman from California (ZOE LOFGREN).

I rise in support of this amendment, as it ensures efficient prosecution of the criminal wrongdoer and would not undermine the legal principles underlying a woman's right to choose.

Mr. Speaker, if what we are trying to do is protect pregnant women, then let us protect them. Let us not insult the intelligence of women in this country by attacking their rights under the guise of protecting unborn fetuses.

The Venice Family Clinic and Westside Family Health Center, both located in my district, have programs in place that identify pregnant women at risk of domestic violence and work closely with the family throughout the pregnancy and for at least 1 year after the baby is born. These programs have had positive results at reducing domestic violence before it occurs.

Mr. Speaker, I urge support for this amendment and rise in opposition to the underlying bill.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

Pursuant to House Resolution 529, the previous question is ordered on the bill, as amended, and on the further amendment offered by the gentlewoman from California (Ms. LOFGREN).

The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. LOFGREN).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 186, nays 229, not voting 18, as follows:

[Roll No. 30]

YEAS—186

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Dunn
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kilpatrick
Kind
Kolbe
Lampson
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—229

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chandler
Chocola
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bell
Brady (TX)
Buyer
Collins
Doggett
Forbes
Honda
Kirk
Kleczka
Kucinich
Lantos
McInnis
Meeks (NY)
Menendez
Millender-McDonald
Northup
Olver
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised there are 2 minutes remaining to vote.

□ 1336

Messrs. SHIMKUS, SMITH of Texas, GARRETT of New Jersey and BERRY changed their vote from ''yea'' to ''nay.''

Mr. TOWNS changed his vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KIRK. Mr. Speaker, on rollcall No. 30 I was unavoidably detained. Had I been present, I would have voted ''yea.''

Mr. OLVER. Mr. Speaker, for rollcall vote No. 30, had I been present, I would have voted in the affirmative.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

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

RECORDED VOTE

Mr. CHABOT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 163, not voting 16, as follows:

[Roll No. 31]

AYES—254

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert

Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—163

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick
Kirk
Kolbe
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Michaud
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—16

Bell
Brady (TX)
Buyer
Collins
Doggett
Forbes
Honda
Kleczka
Kucinich
Lantos
McInnis
Meeks (NY)
Menendez
Millender-McDonald
Northup
Quinn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). There are 2 minutes remaining in this vote.

□ 1355

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KLECZKA. Mr. Speaker, today I was not present for legislative session on the floor due to personal business. However, the issue before the House today was the same one that we had already considered in the 107th Congress. In fact H.R. 1997 is identical to the bill in the 107th, H.R. 503, which passed the House on April 26, 2001, by a vote of 252 to 172. Had I been present, my votes would have been cast the same way I did in 2001: ''yes'' on the Lofgren substitute amendment, and ''no'' on passage of the underlying bill, H.R. 1997.

SUNDRY MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purposes of inquiring of the distinguished majority leader the schedule for the coming week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week, and any votes called on those measures will be rolled until 6:30 p.m.

On Wednesday, the House will convene at 10 a.m. We plan to consider H.R. 1561, the Patent & Trademark Fee Modernization Act. In addition, we plan to consider H.R. 3752, the Commercial Space Launch Amendments Act. And, finally, I would like to remind all Members that we do not plan to have any votes next Friday, March 5.

I thank the gentleman for yielding and will be happy to answer any questions he may have.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information; and reclaiming my time, I wish to ask the gentleman just a few questions about other legislation.

It is my understanding the highway reauthorization bill has not been completed by the other body. It has not come back here. As the gentleman knows, it expires Sunday, I think. Does the gentleman have any idea of what action, if any, might be taken on this?

Mr. DELAY. If the gentleman will continue to yield, I would just remind the gentleman the House passed a 4-month extension. It has been over in the Senate for some time. The Senate is having trouble with their rules to keep extraneous matters off of that bill, and they want to change the time of the extension.

So, unfortunately, we informed the Senate that the House has finished its business; and in order to accommodate the Senate with the 2-month extension, we would have to work with the minority to come up with a unanimous consent request to do that, because holding Members around for votes would be impossible. The Senate has a dilemma on their hands, and they are trying to work through it.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information. We did pass the extension in a timely fashion. And although I have not had the opportunity to discuss this with the Democratic leader, my presumption would be that we would try to work with the majority in providing unanimous consent, so that if something can move in the next 48 hours, we accomplish that objective.

Mr. Leader, as you know, the 9–11 commission has requested an extension of time. My understanding is the President has indicated his support of that extension. I also think I have read that the majority leader in the Senate believes that they would support that.

Can the gentleman inform us as to whether or not we might see legislation on the floor to accomplish an extension of time that Governor Kean and Mr. Hamilton have requested?

Mr. DELAY. Again, if the gentleman will continue to yield, we are working through that issue. There are people that have great concerns about extending the 9–11 commission on our side of the rotunda. That is one of the problems that we are having with the highway extension bill, is they want to stick the 9–11 commission extension on to it. We feel strongly that we cannot do a unanimous consent request to deal with that issue under present circumstances.

So we are working through this. The Senate thinks that they can pass such an extension, and the House will have to deal with it if and when that occurs.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman. On this issue, I have discussed briefly with the leader on our side, and I believe if such an extension, even if it were on the highway bill, that would not preclude us from entering into a unanimous consent. I have not polled everybody, so I cannot say unanimity; but there is broad support.

The families I know, as well as the commission, believe that they need more time to do the work we have asked them to do. So I thank the gentleman for that answer and for focusing on that.

The fiscal 2005 budget resolution, Mr. Leader. When might we expect the budget to be marked up in the Committee on the Budget and to be here on the floor?

□ 1400

Mr. DELAY. Mr. Speaker, the Committee on the Budget has held their hearings and hopes to hold a markup in the next couple of weeks. We hope to keep the House on a schedule that allows us to complete a conference report by April 15. A lot of work is being done on both sides of the aisle. This process is, as far as we are concerned, on time for an early consideration of the budget.

Mr. HOYER. Mr. Speaker, so the gentleman would expect consideration on the budget in the March 15 time frame?

Mr. DELAY. If the gentleman would yield, that is what we expect, and that is what we hope to do.

Mr. HOYER. Lastly, Mr. Leader, the Foreign Sales Corporation Act, as the gentleman knows, we have not modified that, and the European Union has said on March 1, a few days from now, Monday, they have the ability to start imposing sanctions on U.S. goods. When do you think or is there any information as to when we may consider on the floor a bill dealing with foreign sales corporations to respond to the problem that exists that will motivate the EU to impose such sanctions?

Mr. DELAY. Mr. Speaker, as the gentleman knows, the Committee on Ways and Means has reported a bill to address the repeal of the foreign sales credit last year. We understand the problem. While there have been a couple of deadlines for European retaliation which have come and gone, we understand the threat that now exists beginning March 1. Clearly we need to find a way to address this issue. We are coordinating with the Committee on Ways and Means, the Senate leadership and the White House to resolve the issue in a way that not only ensures our compliance with the World Trade Organization, but also increases the competitive position of all American companies in the global economy.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that answer, and I would hope that we can respond to that issue as soon as possible. I know there is bipartisan support for what was referred to as the Crane-Rangel bill. I am not sure what it is referred to now, the Rangel-Manzullo bill. I think we could proceed in a bipartisan way if that bill could be moved forward. I understand that is not the bill that the committee has reported out, but it seems to me there is bipartisan consensus on that issue, and I thank the gentleman from Texas for that information.

ADJOURNMENT TO MONDAY, MARCH 1, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, March 1, 2004.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 2, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 1, 2004, it adjourn to meet at 12:30 p.m. on Tuesday, March 2, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 3752, COMMERCIAL SPACE LAUNCH AMENDMENTS ACT OF 2004

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

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule for consideration of H.R. 3752, Commercial Space Launch Amendments Act of 2004 which may require that amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor.

The Committee on Science ordered the bill reported on February 4, 2004, without amendment and is expected to file its report with the House on Monday, March 1, 2004. Members should draft their amendments to the text of the bill as introduced on February 3, 2004, by the Committee on Science.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

RESIGNATION AS CHAIRMAN AND ELECTION AS CHAIRMAN OF THE COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following resignation as chairman of the Committee on Energy and Commerce:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 11, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Please accept this letter as my resignation as Chairman of the House Committee on Energy and Commerce, effective at midnight on February 16, 2004.

Thank you for your assistance in this matter.

Sincerely,

W.J. ''BILLY'' TAUZIN,
Chairman.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

Mr. DREIER. Mr. Speaker, I offer a resolution (H. Res. 539) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 539

Resolved, That the following named Member be, and that he hereby is, elected to the following standing committee of the House of Representatives:

Committee on Energy and Commerce: Mr. Barton of Texas, Chairman.

Resolved, That the following named Member be, and that he hereby is, ranked as follows on the following standing committee of the House of Representatives:

Committee on Energy and Commerce: Mr. Tauzin, after Mr. Barton of Texas.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 25, 2004.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby resign as a Member of the Science Committee.

Sincerely,

JOE BARTON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

CERTIFICATION OF ACCOUNTING OF CAPTURED OR MISSING U.S. PERSONNEL UNDER PROTOCOLS TO NORTH ATLANTIC TREATY OF 1949—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–164)

The SPEAKER pro tempore (Mr. BISHOP of Utah) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Consistent with Condition (3) of the resolution of advice and consent to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, adopted by the United States Senate on May 8, 2003, and based on the recommendation of the Department of State, I hereby certify to the Congress that each of these governments is cooperating fully with United States efforts to obtain the fullest possible accounting of captured or missing United States personnel from past military conflicts or Cold War incidents, to include:

(A) facilitating full access to relevant archival material; and

(B) identifying individuals who may possess knowledge relative to captured or missing United States personnel, and encouraging such individuals to speak with United States Government officials.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 25, 2004.*

CONTINUATION OF NATIONAL EMERGENCY RELATING TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–165)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 1 of title I of Public Law 65–24, ch. 30, 50 U.S.C. 191, and sections 201 and 301 of the National Emergencies Act, 50 U.S.C. 1601 *et seq.*, I hereby report that I have exercised my statutory authority to continue the national emergency declared in Proclamation 6867 of March 1, 1996, in response to the Cuban government's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba. Additionally, I have exercised my authority to expand the scope of the national emergency as, over the last year, the Cuban government, which is a designated state-sponsor of terrorism, has taken a series of steps to destabilize relations with the United States, including threatening to abrogate the Migration Accords with the United States and to close the U.S. Interests Section. This conduct has caused a sudden and worsening disturbance of U.S. international relations.

In my proclamation (copy attached), I have authorized and directed the Secretary of Homeland Security to make and issue such rules and regulations that the Secretary may find appropriate to prevent unauthorized U.S. vessels from entering Cuban territorial waters.

I have authorized these rules and regulations as a result of the Cuban government's demonstrated willingness to use reckless force, including deadly force, in the ostensible enforcement of its sovereignty. I have also authorized these rules and regulations in an effort to deny resources to the repressive Cuban government that may be used by that government to support terrorist activities and carry out excessive use of force against innocent victims, including U.S. citizens and other persons residing in the United States, and threaten a disturbance of international relations. Accordingly, I have continued and expanded the national emergency in response to these threats.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 26, 2004.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to the resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes.

FUTURE OBLIGATIONS OF SOCIAL SECURITY

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

Mr. DEFAZIO. Mr. Speaker, today and every day, wage-earning, salary-earning Americans and small business owners across the country will pay 6.2 percent of every dollar they earn up to $87,400 to Social Security, or twice that in the case of the self-employed. This is a heavy burden on the working, wage-earning, salary-earning people of America, particularly those of modest means. And again, it only falls on income below $87,400 so those who earn $3 million or $5 million a year pay a tax at a fraction of the rate of someone who earns $30,000 or $40,000 a year.

The theory is that Social Security in collecting these funds will collect $180 billion more than necessary to pay this year's benefits. That money is supposed to be set aside into a trust fund to meet the future obligations of Social Security. If all those moneys that have been set aside, and they are, unfortunately, just debt instruments, but if those debt instruments were honored, Social Security would have adequate funds to pay full benefits until the year 2042 under conservative assumptions, perhaps longer, and after that it would have a 23 percent shortfall. That is a problem, and we should deal with it.

But enter Mr. Greenspan, a gentleman who does not need Social Security, a gentleman who pays taxes at a fraction of the rate of average wage-earning Americans, a gentleman who does not know or socialize with anyone who needs Social Security. The fact is 20 percent of retired Americans are totally dependent on Social Security, and more than half would fall into poverty tomorrow if Social Security benefits were not there. Just 3 years ago the great Alan Greenspan said in supporting the President's reckless tax cuts which favor the wealthy, those who do not pay Social Security taxes in particular, those who invest for a living, he said that we could have it all; there was so much of a surplus, we could cut taxes on rich people, and we could still provide for Social Security benefits in the future.

Well, 3 years later, confronted with record deficits created by the Bush administration, Alan Greenspan, forever consistent, says the tax cuts should be made permanent, we should continue to borrow money, which we are doing, to finance tax cuts, but we can no longer afford Social Security, is what Mr. Greenspan says. So we are going to borrow money. In fact, this year we are going to borrow $180 billion that is being paid in by working, wage-earning Americans as a surplus into Social Security, which will be immediately borrowed and spent. Some will be spent on things that are good that the government does; some will be spent to give tax cuts to wealthy people.

Mr. Speaker, it is a new kind of transfer tax. We tax wage-earning, salary-earning Americans on every penny of their income. We then overtax them,

supposedly to provide their future benefits, borrow that money, and then transfer it to wealthy investors who do not pay a penny in Social Security taxes.

□ 1415

This is Mr. Alan Greenspan's world. He hears the pain of those people at the top, those who need further tax cuts, those who have done so well over the last decade. He is willing to say that we should borrow money to finance their tax cuts. He is willing to say we should borrow money from the Social Security trust fund to finance those tax cuts for wealthy people. But now, astoundingly, he says there is not enough money in Social Security to pay benefits. So he just recommends a couple of little things. First, we cut cost-of-living adjustments for seniors. Well, Social Security is already underadjusted for the cost of living of seniors. They have huge increases, in pharmaceutical, medical costs and other things, and the 2.1 percent they get does not reflect their real cost of living and many saw their Medicare or their insurance go up more than their puny increase in Social Security. But Mr. Greenspan does not know any of those people. He has never talked to them. He is not aware of them. They do not belong to the same clubs that he does.

But he also said in his let-them-eat-cake mode that we should just increase the retirement age a little bit more. We are already phasing it up to 67. If Mr. Greenspan had to work for a living, work hard like a logger or a mill worker or many other professions in this country or was in a profession where he could not work forever, unfortunately he can as long as George Bush reappoints him, he would realize that it is a problem if you increase the retirement age further beyond 67. Many Americans cannot physically work that long to collect their benefits and many others will not have the opportunity to work that long. But Mr. Greenspan is not concerned about those people. It is more important to borrow the money from the Social Security trust fund, to bankrupt the system in the future to finance tax cuts for the wealthy, and that is George Bush's priority, too.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

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

MOURNING THE LOSS OF MACEDONIAN PRESIDENT BORIS TRAJKOVSKI

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

Mr. WOLF. Mr. Speaker, I rise today with sadness in my heart as we mourn the loss of Macedonian President Boris Trajkovski. He was a moderate leader who helped unite his ethnically divided country. He was killed on Thursday when his plane crashed in bad weather conditions in mountainous southern Bosnia.

President Trajkovski was a great friend of the United States. He led the efforts to establish relations with the United States and attended the National Prayer Breakfast here in Washington a number of times where he became friends with many Members of Congress and many individuals in the administration. He was a man of great faith. His great faith drove him to be a man who led reconciliation throughout his region of the world.

President Trajkovski was inaugurated as the second President of the Republic of Macedonia on December 15, 1999. Prior to that, Mr. Speaker, he served as deputy minister of foreign affairs of the Republic of Macedonia and as chief of the cabinet of the mayor of the Kisela Voda municipality in Skopje from 1997 to 1998.

Since taking office in 1999, President Trajkovski was active on the international level, giving numerous speeches at international forums, such as the World Economic Summit in Davos, the Council of Europe, the United Nations and the South East European Cooperation Process, and addressed the parliaments of several countries. He was dedicated to greater cooperation between states on behalf of the Republic of Macedonia.

President Trajkovski participated in numerous international conferences on conflict resolution, religious tolerance, religious freedom, and served as president of youth work in the United Methodist Church in the former Yugoslavia for over 12 years.

President Trajkovski was widely respected in Macedonia for his neutral stance in the former Yugoslav Republic, where tensions persist between Macedonians and the country's ethnic Albanian minorities after a 2001 war. He had called for greater inclusion of ethnic Albanians in state bodies and institutions.

He has many friends, Mr. Speaker, throughout Europe and the entire world. Macedonia is a good friend and partner to the United States and plays an important role in its support of U.S. and NATO operations in Kosovo.

This loss will certainly be felt throughout the international community. Our thoughts and prayers are with the Trajkovski family and the Macedonian people. The United States has lost a great friend.

GREENSPAN WEIGHS IN ON ECONOMIC POLICY

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

Mr. BROWN of Ohio. Mr. Speaker, it is always a pleasure to succeed the gentleman from Virginia who has a strong commitment to human rights. His talk today underscored that commitment to human rights in our country and around the world.

Mr. Speaker, I would just like to start with a couple of facts. Under the Bush tax plan, a millionaire in this country got a $93,000 tax cut, for someone on the average making $1 million in this country. Alan Greenspan, the President's guy on the Federal Reserve, yesterday said in order to pay for our budget deficits, we are going to have to cut Social Security and cut Medicare. Of course that is what he thinks, an investment banker, a Wall Street banker, someone who has enjoyed, and whose friends have enjoyed, these huge tax cuts and wants to continue enjoying these huge tax cuts, who does not much rely himself on Medicare or Social Security now or in the future.

But, again, the fact a millionaire gets a $93,000 tax cut and because so many millionaires have gotten such huge tax cuts under the Bush plan over the last 3 years, Alan Greenspan is right, I suppose, if that is the way you think of this, that in order to pay for those millionaires' tax cuts, we are going to have to cut Social Security and Medicare. This Congress and this President have made a series of choices. They have chosen to give tax cuts to people in our society who need them the least, people making $1 million, $10 million, $20 million, $50 million, $100 million, people who are billionaires. We have made a choice. They have given tax cuts to that group of people, the people who need it the least, the most privileged in our society, the 1 percent wealthiest people in our country; and because they have gotten tax cuts, according to Alan Greenspan, Congress will need to cut Social Security, cut Medicare, cut spending on education, cut spending on environmental enforcement, cut spending on assisting local and State governments, cut Medicaid, all the things that happen as a result of that.

This is all, Mr. Speaker, in the context of what this President and Alan Greenspan have done with our economy. We saw in the 1990s the creation of more than 20 million jobs, well, well, well over 100,000 jobs a month. In fact, close to 200,000 jobs a month were created during the 1990s. Since President Bush took office, we have seen the loss of 3 million jobs. In my State of Ohio, one out of six manufacturing jobs has simply disappeared, likely never to return. So the Bush answer to this, not much different from his father's answer to the kind of economy that caused him to be voted out of office, the President's answer to this is twofold. It is more tax cuts for the wealthiest people in our society and so-called trickle-down economics. Hoping that those tax cuts will encourage them to invest and maybe they will provide some jobs does not seem to be working.

And the other part of his plan is more trade agreements like the Central American Free Trade Agreement; we have got one with Australia coming down; the Singapore, Chile, the Central American Free Trade Agreement coming up; the Free Trade Area of the Americas, which will double the size of NAFTA, quadruple the number of low-income workers, those trade agreements that hemorrhage jobs and ship jobs overseas.

So when we see Alan Greenspan say we have got to keep giving tax cuts to millionaires but to pay for them we are going to have to cut Social Security and Medicare, that is the same thing that George Bush is saying when he continues this economic policy. Again, this economic policy is twofold. It is tax cuts for the most privileged people in our society, the people who need it the least; and trickle-down economics and trade agreements that hemorrhage jobs, that ship jobs overseas.

It is simply not working. We have lost 3 million jobs. In fact, George Bush will likely, we do not know in the next 10 months for sure, but likely will be the first President since Herbert Hoover to actually have lost jobs during his time in office. That has not happened. The jobs he is losing are some of America's best jobs. They are manufacturing jobs. They are jobs that have sent kids to college, allowed people to buy a home, allowed people to have a middle-class life-style. If we continue this trickle-down economics and we continue these trade agreements that ship jobs overseas, we will continue this loss of jobs, and we will never see our economy come back the way it should and bring us the kind of country that we are used to having.

That is why Alan Greenspan's comments really do hit home, that he wants to continue this tax policy, continue trickle-down economics. It just means the choice that he is making, the choice that President Bush is making, the choice that Republican leaders in Congress are making is that in order to pay for these tax cuts, this Congress is going to have to cut Social Security and Medicare. It is the wrong choice. It is the wrong idea for America. It is a violation of American values, our family values that help our families send our kids to college and build the kind of life-styles and the kind of lives for our children that we so desire.

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

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

IN HONOR OF THE CAREER OF DR. JOSE HINOJOSA

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

Mr. HINOJOSA. Mr. Speaker, I rise today to honor a friend, a university professor, a renowned expert and the dean of the school of politics in south Texas, Dr. Jose Hinojosa. For a generation, Dr. Hinojosa has been the compass for anyone who hoped to navigate a political career in south Texas. Successful politicians, mayors, county judges, State senators and representatives and, yes, Members of this body, myself included, are all proud alumni of the Dr. Hinojosa school of public service.

Dr. Hinojosa, after 26 years of service, has decided to retire. As a political science professor at the University of Texas Pan American, he is nationally recognized for his knowledge and expertise in the regional politics of south Texas. For Dr. Hinojosa, political science is not merely an academic exercise. It is about empowering the community he so dearly loves, the Mexican American community. To that end, Dr. Hinojosa established the School of Public Administration at the University of Texas Pan American. He knew that electing Hispanic leaders was only step one of the empowerment process. He helped build the intellectual infrastructure and knowledge base to make newly minted public officials successful in the art of governing.

Dr. Hinojosa is a native of Jim Wells County and the son of the late Mr. and Mrs. Teodulo Hinojosa of Palito Blanco, a lovely community in central Texas, which is adorned with bluebonnets and many other wildflowers during the spring time. He earned his bachelor's and master's degrees from Texas A&I University, Kingsville, which is now Texas A&M University at Kingsville. He received his doctorate in government and international studies from the University of Notre Dame in Indiana.

Over the course of his career, Dr. Hinojosa has taught at many prestigious institutions, including the University of Texas Pan American, the University of Texas at Austin, Ohio State University, and Notre Dame. He has been called to the service of Governors and Presidents. He served on the National Advisory Council for Ethnic Heritage Studies during President Carter's administration and on the Job Injury and Interagency Council Advisory Committee under Texas Governor Mark White.

However, his greatest contributions have been felt in his home, south Texas. Dr. Hinojosa is an outstanding teacher, whether to students enrolled in a political science course or to candidates for public office. His enthusiasm for public service and for the democratic process is infectious and he has inspired thousands of people, young and not so young, to participate in our democracy. His voice, even after a bout with throat cancer costing him the use of his vocal cords, has always been a call to action. From the difficult days of segregation after World War II to today, Dr. Hinojosa has maintained an unshakeable faith in the people of south Texas. One only has to visit the Rio Grande Valley to see the progress that Dr. Hinojosa has fostered and cultivated since the first Hispanic county judge was elected in Hidalgo County in 1970. Today, the Lower Rio Grande Valley is one of the four fastest growing and most dynamic regions in the country.

Mr. Speaker, Dr. Hinojosa has decided to retire. He will be sorely missed in the halls of college campuses and the halls of government; but I know that his wife, his children, and grandchildren have great plans for him.

□ 1430

Dr. Hinojosa has taught us well, and the number of Hispanics seeking to win Federal elected positions will continue to skyrocket thanks to him.

In conclusion, I ask all Members of Congress to join me in commending Dr. Jose Hinojosa for his exceptional career and contributions to the great State of Texas and our Nation.

MILITARY RETIREES ARE WAITING; LET US FINISH THE JOB

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to let everyone know of a bill I have introduced that will eliminate what we call the Disabled Veterans Tax and to provide immediate concurrent receipt of military retired pay and VA disability compensation to all deserving disabled military retirees.

H.R. 3730 is called the Immediate and Full Repeal of the Disabled Veterans Tax Act of 2004 and does exactly what the title says. It eliminates the years of waiting before all disabled military retirees receive all the retired pay and compensation they have earned and deserve.

Last year, our Nation's veterans waged a long and determined campaign to eliminate this Disabled Veterans Tax. As my colleagues know, we did take a step that some say was a legitimate compromise but I call an insult to our veterans. That law makes veterans with a disability rating of 50 percent or more wait 10 years before their tax is completely eliminated. A great number of those veterans are elderly and unfortunately may not live to see the day that they get their full compensation.

Even worse, fully two thirds of America's disabled veterans have been left behind and will continue to be taxed as before, nearly 400,000 of our veterans. Despite the actions of Congress, the Disabled Veterans Tax is alive and well.

Some of the veterans left behind include a veteran of the Kuwait theatre who had below-the-knee amputation after being hit by a drunk driver while jogging near the Pentagon to maintain

physical fitness. He does not qualify under the act we passed. Neither does a retiree who cannot work on a family farm because of pain, numbness, and osteoarthritis of both feet due to exposure of cold during noncombatant military service; a veteran who lost an eye when an air hose accidentally detached from an airplane being worked on and who cannot work as an airline pilot. He still pays the tax; as does a female retiree who has weekly panic attacks and chronic sleep disturbances as the result of a sexual assault which occurred while on active duty.

Mr. Speaker, we took the first step towards eliminating the Disabled Veterans Tax, but I would give us a grade of incomplete. We did not do the ''A'' work that our veterans deserve. During the time I have been in Congress, I cannot recall more than one or two other issues where I have received so many letters, e-mails, and phone calls. Our veterans have been telling us that this is an important issue to them. They deserve that we complete our work and do it at an ''A'' level.

I understand there are costs to concurrent receipt, but I also understand that the now disabled veterans did not hesitate when they were called to duty. They have returned home with disabilities they have had to live with ever since. How can we doubt the imperative that we keep our promise and give them what they deserve? They earned their military retired pay. They deserve their VA disability compensation. We should not make them wait any longer for justice to prevail.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

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

IN SUPPORT OF ISRAEL'S CONSTRUCTION OF A SECURITY FENCE

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

Mr. GARRETT of New Jersey. Mr. Speaker, since 1948 the State of Israel has constantly been under attack from inside and outside her borders, from neighbors on all sides. Innocent Israeli citizens, including women and children and seniors, have become terrorist targets. Israeli shops, streets, and schools have become the battleground. There are always threats in the country and always a cause for alarm.

Today, the threat to Israel's security has never been greater. On the eve of the U.N.'s hearing this week on the West Bank barrier, a Palestinian suicide bomber blew apart a Jerusalem bus, killing himself and eight passengers. This strike, which injured 60 others, was in protest of the security barrier constructed by Israel to foil terrorist attacks such as this.

This terrible and painful bombing in Jerusalem has brought new urgency to the claim of Israeli leaders that a security fence is desperately needed in order to prevent terrorists from entering from the West Bank and proves that Israel is under a new wave of violence, one that the Palestinian leadership is unable and unwilling to stop.

For this reason, I support Israel's construction of a security fence and will support that additional miles be built should Israel so decide to continue this self-defense option. The security fence is a proven way to impede terror, which in turn will help advance the peace process. It is situated to protect the lives of Israelis. The separation barrier has proven itself by preventing 50 percent of the attempted terrorist attacks against Israel, and the fence around Gaza has prevented all Palestinian suicide bombers from entering the country.

There are Palestinians who are working now to disrupt this pursuit towards peace. Monday, the Palestinians presented their case to the United Nations International Court of Justice, the ICJ, standing against the Israeli separation barrier in the West Bank, while Israel appealed to world opinion and moral common sense to ignore the proceedings that are unfair.

Israel only began the construction of this fence after 3 years of near daily terrorist attacks that killed 919 Israelis and left thousands more wounded for life. Now more than 40 nations, including the United States, the European Union, and Australia, have joined Israel in protesting the court's consideration of this matter because it falls outside the court's traditional mandate to serve as a mediator between a willing state and, more importantly, because it undermines Israel's, and for that matter any nation's, right to self-defense.

The Palestinians and their supporters have now manipulated the U.N. General Assembly to request the ICJ to issue a legal advisory on the security of the fence. Though it is not legally binding, this advisory opinion could prompt anti-Israel resolutions at the U.N. later this year and will reinforce efforts to isolate Israel internationally.

Manipulation of the ICJ is only the latest attempt in many attempts by Israeli detractors to use every arm of the U.N. to delegitimize Israel. The U.N. has been a source of anti-Israeli activity, passing more resolutions against Israel than any other subject matter, over 400 since 1964. In contrast, that body has never investigated the Palestinian terror campaign against Israel, nor has it investigated the abuse, torture, and other human rights violations by nondemocratic states in the Arab world. The U.N. is the same body that voted against removing Saddam Hussein and ending his evil regime over his own people.

The international community and Arab states in the region must come together now and strongly discourage further Palestinian terrorism. Nations around the world must support Israel in their right to defend their land and their people. Israel has every right and must have every right and ability to protect their people and their country. Those who say otherwise, that Israel's self-defense is an impediment to progress, they miss the point entirely. The destruction of Palestinian terrorism is not an impediment to progress; rather, it is the definition of progress.

Where the violence stops, the peace process can move forward. And until it does, Israel's efforts to build a security fence on their own borders are a necessary and justified response to the perils that this nation faces. As Israel is a free and democratic, peace-loving nation and our only real ally in a region filled with unrest and American hatred, our Nation must do everything we can to support Israel and not stand in the way of the Israeli leaders doing what they feel is necessary to protect their citizens and their homeland.

AMERICA AT RISK: CLOSING THE SECURITY GAP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER of Texas. Mr. Speaker, I yield to the distinguished gentleman from South Carolina (Mr. CLYBURN), the vice chairman of the Democratic Caucus.

THE MATTHEW PERRY COURTHOUSE

Mr. CLYBURN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I failed last evening to make this statement, which I thought was very important to me during Black History Month, because of a little appointment I had with the dentist. So I

am pleased that the gentleman yielded to me today.

Mr. Speaker, when I first came to Congress 11 years ago, the very first piece of legislation I introduced was to name the Federal courthouse proposed for Columbia, South Carolina, in honor of Judge Matthew J. Perry, Jr. Some of my friends and colleagues cautioned me that the time was not quite right for such a bold initiative, and others counseled me that the thought bordered on naivete. But I had read and taken to heart Martin Luther King, Jr.'s letter from the Birmingham city jail.

In that timeless document, Dr. King addressed the rightness of time. King wrote that ''time is neutral. Time is never right and time is never wrong.'' He opined in that letter that ''the people of ill will in our society seem to make much better use of time than the people of goodwill.'' And he went on to write that ''we are going to be made to repent in this generation not just for the vitriolic words and deeds of bad people, but for the appalling silence of good people.'' I felt, therefore, that even if it were not time for such to be done, it was certainly time for silence on the subject to be broken. It has been a long time coming, but I am proud to say that the Matthew J. Perry, Jr. United States Courthouse will be officially dedicated on April 23, 2004.

Today, like every day for the past 25 years, Judge Matthew J. Perry walked into his office in the Federal courthouse in Columbia, South Carolina, to adjudicate cases according to Federal law. Today, he sits as a defender of the very Constitution that was once used to deny him and his forebears the right to attend his home State's law school or vote for those who made the laws. Today, Judge Perry is a stoic defender of ''liberty and justice for all'' that led him and all of South Carolina to this glorious time in our history.

Born in a segregated society just a few miles from the building that now bears his name, Judge Perry's youth prepared him for a lifetime commitment to challenging injustice. Judge Perry was raised by a grandfather after his father died when he was 12 years old, and his mother left home to find work in New York as a seamstress. Despite his challenging childhood, he was determined to make a better life for himself and worked odd jobs to put himself through South Carolina State College.

A defining moment in Matthew Perry's life came when he was drafted to serve in World War II. After finishing basic training in Alabama, he went to the train station to proudly return home as an American soldier. But he was turned away from the station's restaurant and forced to order food through a window as he watched foreign prisoners of war eating inside. Such injustice fueled the fire within this gentle man to return to South Carolina after the war and attend South Carolina State College's law school, which was established to avoid integrating the law school at the University of South Carolina.

Upon graduation, he passed the State's newly implemented bar exam, which was adopted, in part, to impede blacks' membership in the South Carolina Bar. As a young black attorney, he took cases based on principle, not on payment. He became well known for his commitment to fighting for justice regardless of the personal costs and soon became the chief counsel of the South Carolina Conference of Branches of the NAACP.

□ 1445

Judge Perry argued many notable cases. He served as lead attorney in the successful litigation to integrate Clemson University in 1963. In 1972, he won a tough reapportionment case which resulted in the creation of single member districts in South Carolina. He had a hand in almost every case that integrated South Carolina's public schools, hospitals, golf courses, restaurants, parks, playgrounds and beaches. He individually tried over 6,000 cases, and his work led to the release of some 7,000 people arrested for protesting various forms of segregation.

I was one of those protestors that Matthew Perry so eloquently defended, after I was arrested with nearly 300 other students on a bitterly cold day in 1961. Matthew Perry chose me as his chief witness at the trial of Fields against South Carolina. He lost that case, as he did all of his cases at the magistrate level, and, with one exception, all were overturned on appeal. His perseverance was unmatched and his dedication undaunted.

Judge Perry went on to become the first black lawyer from the Deep South to be appointed to a Federal bench when in 1976 he became a judge on the United States Military Court of Appeals here in Washington, D.C. Three years later, he returned home to become a United States District Judge for South Carolina, where he continues to serve today in senior status.

Throughout the death threats and lean times that marked his early career, to today's achievements and accolades, Matthew's devoted wife Hallie has remained steadfastly by his side. The couple has one son Michael, a banker in Charlotte, North Carolina.

The dedication of a United States courthouse in his honor in the shadow of his birthplace that was once cloaked in the scourge of segregation signals a new era in South Carolina, brought about in large measure by the dogged determination of Matthew Perry and his unbending faith that justice will prevail. His vision and veracity led him to challenge the Jim Crow laws of his time and succeeded in providing faith and hope to an entire generation of South Carolinians.

Mr. Speaker, the motto of the State of South Carolina is, ''While I Breathe, I Hope.'' Our State's motto and our Nation's promise of life, liberty and the pursuit of happiness are reflected in the life experiences and work of Judge Matthew J. Perry, Jr., and I am pleased to be here today to enter into the record just a little synopsis of the life of this great South Carolinian and outstanding American.

Mr. TURNER of Texas. Mr. Speaker, I rise today to speak on a very critical subject, the subject of homeland security. There is no responsibility of this Congress more important than the exercise of vigorous and thorough oversight in the area of homeland security. Just one year ago, the Congress created the Department of Homeland Security from 22 separate agencies of this Federal Government. Implementing the largest reorganization of the Federal Government in almost 50 years would be daunting enough, but given the urgency to prevent, to deter and to respond to terrorist attacks, and knowing that failure is never an option when dealing with terrorism, it is clear to me that the administration, that the new Department and its congressional overseers, face a challenge unlike any in our history before.

A lack of leadership or focus, errors in prioritization or judgment, any of these can place thousands of American lives at risk. Poor management can result in a waste of taxpayer dollars as the new Department enters into multibillion-dollar contracts under pressure to get this critical job done.

The Democrats on the Select Committee on Homeland Security, in exercising our responsibility for oversight, have produced a 135-page review of the Department of Homeland Security's activities during its first year. This document is entitled ''America at Risk: Closing the Security Gap.'' We have relied upon in preparation of this document our own independent investigations, our own research, as well as a wide range of expert opinion from throughout this country. This report highlights the very significant security gaps that still remain, and offers recommendations on how we can best go about closing these security gaps.

From the very founding of our Nation, the very first charge of government is to provide security for the American people. The opening words of our Constitution call on us to provide for the common defense. We gather here today in the shadow of a grave and gathering threat to the safety and the security of the American people. Those who delivered the deadly blows against our Nation on September 11, 2001, are poised for further attacks against our homeland.

Just days ago, Ayman al-Zawahari, the mastermind behind al Qaeda's operations and Osama bin Laden's closest confidant, threatened America once again. In an audiotape released to the Al Jazeera network, Zawahari had this to say: ''Bush, strengthen your defenses and your security measures, for the Muslim nation, which sent you the legion of New York and Washington,

has determined to send you legion after legion seeking death and paradise.''

Just last Tuesday the Director of the Central Intelligence Agency, George Tenet, confirmed the stark reality of the al Qaeda threat, saying before this Congress, ''Al Qaeda is still capable of catastrophic attacks against the United States.'' Director Tenet made the nature of the conflict with al Qaeda clear when he said, ''We are still at war against a movement that is not going away any time soon.''

Mr. Speaker, we are at war, at war against a cruel and calculating foe who will not stop in its effort to deliver death and destruction to our shores, and we must do everything necessary to close those security gaps that make us vulnerable to terrorist attack, and we must move with the urgency of a Nation at war.

That is why the Democratic Members of the House Select Committee on Homeland Security have chosen the first anniversary of the Department of Homeland Security to issue this report to the American people. We present a review of our defenses, and we propose recommendations to close the security gaps that make us vulnerable to attack.

Mr. Speaker, we all understand that there is no responsibility of Congress more important than working to preserve the safety and security of every American. That requires this Select Committee on Homeland Security in this House to vigorously exercise our oversight responsibility. We know that we cannot afford to sleep while Rome burns.

There are some who say on this first anniversary of the new Department that we are safer than we were before September 11, 2001. That is true. But that sets the bar way too low. The real question that we must ask today is, are we as safe as we need to be in light of the threats that we face? Unfortunately, the answer to that question is no.

Our Nation remains vulnerable to potential catastrophic attacks involving nuclear, chemical, biological and radiological weapons. Pathways to the United States by land, sea and air are still insecure; our critical infrastructures have few defenses; and our communities are not as prepared as they need to be in the event of a terrorist attack. The results of our report, ''America at Risk: Closing the Security Gap,'' should serve as a call to action for this Nation.

Mr. Speaker, I believe there are some key defenses that we must have in place to prevent a catastrophic attack on our country. To keep the terrorists away from our shores, we must develop a unified terrorist watch list, and we must focus on preventing the threat of nuclear, radiological, biological and chemical attacks against the American people.

I would like to review for you just a few examples from this 135-page congressional oversight document which exposes the serious security gaps that we still have when it comes to protecting America from catastrophic attack.

Two and one-half years after September 11, 2001, there is still not a unified terrorist watch list in this government, a list that must be available to help our agents stop all suspected targets at our borders. The promised completion date for a unified terrorist watch list has slipped four times. In the past 2 weeks alone the completion date that is projected by the Department for this project has slipped another 9 months. We have the technology to create a unified terrorist watch list, but we need the focus and the discipline and the will to get this critical job done.

Many other systems that we are putting in place to protect America will depend upon an accurate, effective, real-time unified terrorist watch list. It is hard to understand or explain how 2½ years after September 11 we still have not gotten this job done.

Another example from this report of a security gap, millions of cargo and containers enter America every day and travel through our communities without having been screened for radiological and nuclear devices. This Congress has appropriated the funds to make sure cargo containers that enter our ports are free of nuclear material that could be used in a dirty bomb or a crude nuclear weapon, but the job is not yet done.

There are at least 57 different countermeasures that are needed to defend against diseases that are the greatest threat of biological terror. Today only one of these countermeasures can be widely distributed, just one.

Mr. Speaker, there is still no plan to secure the 123 chemical plants that we are told will threaten the lives of over 1 million people in the event of a massive breach of chemical containment due to terrorist attack. It remains an unassailable and uncomfortable fact that America is not as safe as it needs to be in the face of the threat of al Qaeda.

Mr. Speaker, we must take stronger and faster action to close these security gaps. The men and women who patrol our borders, who inspect our cargo at our ports, who respond to emergencies are setting a high standard for excellence, but they must have the leadership and the support and the direction that they deserve. That is the responsibility of the leadership of this Congress and of the new Department of Homeland Security and of our President.

On this, the first anniversary of the Department of Homeland Security, we should strive to regain that sense of urgency that we all had after September 11, 2001. We must have a renewed sense of purpose to close the security gaps which threaten the safety of the American people.

I am confident that, working together, we can accomplish these goals. I am confident that America can look forward to a day when we have won the war on terror.

□ 1500

But it will not happen unless this Nation continues to press forward with a sense of urgency that we all know must exist when we are at war.

Some have said, can we afford to protect America against the threat of terrorist attack? And there is no question that the cost of security has run to the billions of dollars. But the real question that we should be asking and that we should be willing to address is, can we afford not to close these security gaps? For the truth of the matter is that if we fail to close these security gaps and our terrorist enemies are successful in another catastrophic attack against our country, it will cost us far more than the cost of securing America.

When I look at the level of spending for homeland defense, though it is large, it is important to put it in the context of the total Federal budget and the cost of our government. And when we examine the President's budget request for this upcoming fiscal year, which will be considered over the next few months by this Congress, we see that the President has asked for an increase in homeland security, new spending for the Department of Homeland Security that is equal to the amount of money that we spend every month in Iraq.

Now, we know we must be successful in Iraq. We know that having committed, we cannot afford to fail to achieve the stability of that country and to achieve democracy for the people of Iraq. But when we recognize that we, in our own defense, have seen the President recommend increased spending for our own security here at home an amount of money equal to what we spend every month in Iraq, it causes one to ask, are we placing our priorities in the right place. Both are important, but most important is protecting the security of the American people here at home.

I have the opportunity to receive briefings from time to time as the ranking member of the Select Committee on Homeland Security from our new Terrorist Threat Integration Center. I have the opportunity to look into the eyes of those CIA agents who daily have to listen to the threat reports from al Qaeda and other organizations against this country, and I can assure my colleagues that this country is at risk. And let there be no mistake about it: we must continue in our resolve to move faster and be stronger in protecting this country against the threat of al Qaeda and like-minded terrorist groups.

One of the members of our committee, a freshman member, the gentleman from Florida (Mr. MEEK), expressed it this way the other day. He said, spending on homeland security is like buying insurance. You can either

pay the premium and get the insurance to protect you, or you can decline to pay the premium and face the risk of the consequences. This Nation remains at risk. We are engaged in a struggle unlike any in the history of this country, and we are facing an enemy that is driven by culture, by religion, by fanaticism, and that is intent upon doing harm to the people of our country. This threat is one that we must face head on. This threat is one that we must be sure that we prevail against. And this threat is one that we must be willing to pay the cost of.

Mr. Speaker, it is my hope that every Member of Congress and the American people will join with us in regaining the sense of urgency that we have in making sure that we have done everything necessary to ensure the protection of the American people. I would urge every Member of this Congress and every listener to take a look at this report and its contents on the Web site of the Select Committee on Homeland Security. The Web address is www.house.gov/hsc/democrats/. Let me repeat that, Mr. Speaker: www.house.gov/hsc/democrats/.

As my colleagues review this report, I think they will find that we as a Nation have a long way to go in being able to tell the American people that we are prepared enough to defend against, to prevent, to deter, and to respond to a catastrophic terrorist attack.

Mr. Speaker, I hope that every Member of this Congress will join together in that same spirit that this Congress exhibited on September 11 of 2001 when we gathered just outside of this Chamber on the steps of this Capitol and joined together in expressing our resolve to prevail against al Qaeda, expressing our commitment to do whatever is necessary to win, and joined together in singing ''God bless America.'' For the truth is, we are the greatest Nation that has ever existed on the face of the Earth. We have tremendous responsibilities in our leadership in this world, and we must do whatever is necessary to prevail in the war on terror.

HOMELAND SECURITY: FIRST PRIORITY FOR AMERICA

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER) for hosting his important Special Order today. As we mark the 1-year anniversary of the creation of the Department of Homeland Security, it is a time to both recognize successes and acknowledge failures. There is no more important issue facing Congress today and the administration than protecting the freedom and security of the American people. In fact, the preamble to our Constitution makes providing for the common defense the first responsibility of Congress.

Improving the safety of our citizens at home must be undertaken just as aggressively as pursuing terrorists abroad. I want to express my deepest appreciation to all those who have taken on this task, from the nearly 200,000 employees of DHS working in every sector in every State, to the dedicated and courageous first responders in all of our communities. We owe you a great debt of thanks and gratitude for your hard work. While it is true there is much still to be done, I know that these great Americans are up to the challenge.

Every day we ask our firefighters, police, and other emergency personnel to put their lives on the line; and since September 11, the burdens on these men and women have only grown. They need our support to keep America safe. With dozens of States experiencing their worst fiscal crisis since World War II, combined with the activation of thousands of Guard and Reserve members, first responders are more desperate than ever for Federal assistance. They are short on the most basic needs, including personnel, overtime, and equipment.

The Department of Homeland Security needs significantly more resources in order to get state-of-the-art training and equipment to our front line of first responders, along with national standards of future purchases and practices, so that all of our personnel are operating capably and consistently. In addition, we must ensure our law enforcement agencies are properly equipped to share information and coordinate activities so threats that cross jurisdictional lines can be adequately addressed.

One critical component of this goal is providing the communications equipment and infrastructure necessary for first responders to take effective and coordinated action.

□ 1515

Interoperable telecommunications technology exists today at an affordable price, but we must provide the funding and leadership to ensure it is deployed without delay.

Information must also flow more smoothly between Federal agencies and the State and local personnel who are the first to respond to an emergency. Unfortunately, at present, resources are being allocated and priorities are being set in the absence of a reliable threat assessment that can be mapped against existing vulnerabilities. State and local responders are operating without the benefit of current, specific intelligence and most lack the clearance or physical means to receive classified information even when it is available. We need to clarify the information-sharing responsibilities within our Intelligence Community and ensure that those who need this information receive it in a timely and beneficial manner.

Furthermore, we continue to face serious vulnerabilities at our ports, borders, and nuclear and chemical facilities and other critical infrastructure. While our airports are significantly safer due to increased passenger and baggage screening, passengers and crew are still at risk from the cargo traveling on these planes.

DHS should also deploy technology like remote sensors and unmanned aerial vehicles to secure every mile of our land border. We need to station Customs inspectors at high-risk ports abroad, increase accountability for companies shipping goods to this country, and deploy systems to track every ship and container entering a U.S. port.

DHS must ensure the highest levels of security at nuclear and chemical facilities, which means requiring the private sector to act as an equal partner in critical infrastructure security.

Finally, as we endeavor to identify threats before they become real dangers, we must be ever vigilant of defending the civil liberties of our citizens. Protecting the homeland does not need to run counter to protecting privacy and freedom. We should make sure that intelligence tools are used judiciously, and we must work always toward a balance that ensures both security and liberty.

The gentleman from Texas (Mr. TURNER), the ranking member, this week led Democrats on the Select Committee on Homeland Security in unveiling a report entitled America at Risk: Closing the Security Gap, and I was proud to join him in that effort. This important and comprehensive report details many of the remaining shortfalls in our homeland security defense efforts and, more importantly, offers substantive proposals for addressing them. I want to commend the gentleman from Texas (Mr. TURNER), the ranking member, for his leadership on this report. I hope this report will serve as a catalyst for bipartisan action, and I look forward to working with my colleagues to address this most important issue.

Mr. Speaker, our Nation has come a great distance since September 11, but we stop now at our own peril. We must act quickly to address the problems that remain and provide safe and secure communities for all of our citizens.

AMERICA: A NATION STILL AT RISK

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

Mr. HOEKSTRA. Mr. Speaker, tonight I want to build off the comments of perhaps some of the previous speakers in talking about America is still a Nation at risk.

In his new book, Why America Slept, author Gerald Posner raises the possibility that better tactical performance by the United States could have averted the September 11 terrorist attacks. He suggests that the problem was that law enforcement and other agencies failed to effectively identify and act on numerous clues in the months preceding those tragic events. This could be true, but it is more likely that the attacks could have been averted had the U.S. recognized a new enemy emerging in the 1990s and developed a strategy to effectively respond to it, a lapse that the United States Intelligence Community will have to make up as it reinvents itself to respond to a fluid world that I think was redefined by September 11.

Terrorist attacks throughout the previous decade were treated as isolated criminal acts rather than a developing new emergent threat bent on destroying the United States, and I think this is a question that we have to ask ourselves, and we have to determine what we believe the threat will be in the future. We know what happened during the 1990s. We know about the examples of the first attack on the World Trade Center in 1993. There was a bombing. In 1996, there was a bombing of the U.S. military barracks in Saudi Arabia, and also in the 1990s there were the attacks on our embassies in Africa, and then in 2000 the USS *Cole* was attacked. But these are just a small sample of the increasing number of terrorist attacks against the U.S., our people, our interests and our allies that took place throughout the 1990s.

In 1995, two unidentified gunmen killed two U.S. diplomats and wounded a third in Karachi, Pakistan. In 1997, a Palestinian sniper opened fire on tourists atop the Empire State Building, killing a Danish national, wounding visitors from the United States and Argentina. In 2000, a bomb exploded across the street from the U.S. Embassy in Manila. We have had bombings in Turkey and other places.

The strategic error that we made through the 1990s is that we assumed that with the collapse of the Soviet Union, American policymakers assumed that the international political environment had become more stable and more predictable. How wrong we were.

During the 1990s, the international political environment became more volatile and more unpredictable, and this was not necessarily unrecognized by our leadership.

In a February 17, 1998, speech President Bill Clinton said, And they, then in parenthesis, the predators of the 21st century will be all the more lethal if we allow them to build arsenals of nuclear, chemical and biological weapons and the missiles to deliver them. We simply cannot allow that to happen. There should be no doubt Saddam's ability to produce and deliver weapons of mass destruction poses a grave threat to the peace of that region and the security of the world. There is no more clear example of this threat than Saddam Hussein's Iraq. His regime threatens the safety of his people, the stability of his region and the security of all the rest of us. In the next century, the community of nations may see more and more the very kind of threat Iraq poses now, a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists who travel the world. If we fail to respond today, Saddam will be emboldened tomorrow by the knowledge that they can act with impunity.

Again, on February 17, 1998, President Bill Clinton highlighted the threat not only of Saddam Hussein, but of this emerging threat that we saw in the 1990s of various terrorist organizations and people who seek to do us and our allies harm. In that same speech, the President at that time, President Bill Clinton, said, And someday, some way, I guarantee you he will use the arsenal, and I think every one of you who has really worked on this for any length of time believes that, too.

Continuing, In this century we learned through harsh experience that the only answer to aggression and illegal behavior is firmness, determination and, when necessary, action. In the next century the community of nations may see more and more the very kind of threat Iraq poses now, again, a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers or organized criminals who travel the world among us, unnoticed, a different kind of emerging threat to the United States and our security.

December 17, 1998, President Bill Clinton, I am convinced the decision I made to order this military action, though difficult, was absolutely the right thing to do. It is in our interests and in the interest of people around the world. Saddam Hussein has used weapons of mass destruction and ballistic missiles before. I have no doubt he would use them again if permitted to develop them.

In another speech, this is by Richard Haas, he is a top Middle East expert on the National Security Council during the Bush administration. The stakes here are very real, and they are enormous. This is someone who has used weapons of mass destruction twice against his own people and against Iran. He does not have qualms.

As we are going through the 1990s, and even as we were going through the first couple of years of the new millennium, we have seen that America was becoming more aware and our leaders were becoming more aware of these various threats.

Madeleine Albright in a speech September 9, 1998, here is what she has to say. In this struggle, our adversaries are likely to avoid a traditional battlefield situation because there American dominance is well established. We must be concerned instead by weapons of mass destruction and by the cowardly instruments of sabotage and hidden bombs. These unconventional threats endanger not only our Armed Forces, but all Americans and America's friends everywhere. We must understand that this confrontation is long-term. It does not lend itself to quick victory. Force for peace, freedom and progress and law in the world, but no threat, no bomb, no terrorist can diminish America's determination to lead.

She goes on, A second major threat to America's security also has entered a new phase, and that is weapons of mass destruction and the systems that deliver them. For decades we viewed this threat primarily through a narrow Cold War lens, and now our concerns have broadened. We are deeply concerned by regional tensions in South Asia where both India and Pakistan have conducted nuclear tests.

Going on later on, she talks about chemical or biological warheads, and they are devilishly difficult to shoot down.

Again, already in 1998 or maybe saying as late as 1998, Secretary of State Madeleine Albright identifying the threat to America, our people, our infrastructure and our allies. We need to continue this discussion and this debate to see whether this threat continues to be real.

National Security Adviser Samuel Berger in an op-ed, Washington Times, October 16, 1998, And indeed, we have information that Iraq has assisted in the chemical weapons activity in Sudan with information linking Bin Laden to the Sudanese regime and the al-Shifa plant.

The threats are real. They have been identified in administration after administration. This week and over the last couple of weeks, we have had the opportunity to get an update, and I would encourage my friends to take a look at some of the statements that have recently been made so that they can reach their own judgment as to the kind of threat that faces America today, because as we understand the threat and reach agreement as to what the threat may be, that will also then provide the foundation for our actions and our response to that threat.

Steve Cambone, an Under Secretary of Defense for Intelligence, delivered his views on this back on January 22, 2004. Here is what he had to say. We are a Nation at war. We do not know how long it will last, but it is unlikely to be short. We cannot know where or against whom all of its battles will be fought. There are multiple fronts in this war. There is no single theater of operations. We do know that we are all at risk, at home and abroad, civilians and military alike. We do know that battles and campaigns will be both conventional and unconventional in their conduct. Some of those battles and campaigns will be fought in the open, and others will be fought in secret where our victories will be known to only a few.

Going on, In describing the situation that we find ourselves in today, we are facing a turbulent and volatile world populated by a number of highly adaptive state and nonstate actors. Some of these are weighing whether to or to what extent or how they might oppose the interests of the United States and its friends. Others, such as terrorist organizations, who are responsible for attacks in the United States, Turkey, Indonesia, Morocco, Saudi Arabia, Israel, Kenya, the Philippines, Afghanistan, Pakistan, Iraq and other places, have committed themselves to war.

□ 1530

''In such a world, where largely ungoverned areas can serve as sanctuary for terrorists, and where political and military affairs in Europe, Asia, Africa, and South America continue to evolve, it is impossible to predict with confidence what nation or entity will pose a threat in 5, 10, or 20 years to the United States or to our friends and allies. In such a world, where our vulnerabilities are all too well understood by our potential adversaries, we should expect to be surprised.

''Not everything that unfolds in the coming years should be a surprise. We can expect that an adversary will continually search for an effective means to attack our people, our economic military and political power, and the people and the power of our friends and allies.

''We can also expect that an adversary will have access to a range of modern technologies and will be prepared to use them to magnify the destructiveness of their attacks, using truck bombs and improvised explosives; cyberintrusions to attack the computer systems upon which we rely; radio transmitters to jam our space assets; small laboratories to develop new biological or genetically altered agents; and chemical and nuclear technology and materials delivered by missile, plane, boat, or backpack to poison our environment and destroy human lives.''

Also this week, I believe it was on Tuesday, Tuesday or Wednesday, February 24, George Tenant, the Director of the CIA, Director of the CIA under both President Clinton and President Bush, gave his update to the Senate Permanent Select Committee on Intelligence and also the House Permanent Select Committee on Intelligence. And part of his testimony, unusual in that it is typically in closed session, but part of his testimony was given in open session, and that is available on various Web sites for people to read. And I encourage people to go back and read the full testimony that Director Tenant gave in front of the Senate's Select Committee on Intelligence.

Let me just give you some brief excerpts of it. Because, again, what it does is it follows and builds on the conclusions, the statements, and the threat perception that President Clinton outlined for us in the late 1990s; that Secretary of State Madeleine Albright, that Sandy Berger and other members of the Clinton administration laid out as potential threats, and that now continue to be seen in this administration but are being seen in a new light. They are being seen through the lens of September 11.

Here is what Director Tenant has to say: ''Terrorism: I will begin today on terrorism with a stark bottom line. The al Qaeda leadership structure we chartered after September 11 is seriously damaged, but the group remains as committed as ever to attacking the U.S. homeland. But as we continue the battle against al Qaeda, we must overcome a movement, a global movement infected by al Qaeda's radical agenda.

''In this battle we are moving forward in our knowledge of the enemy, his plans, capabilities, and intentions. And what we have learned continues to validate my deepest concern. It is a concern that was expressed to the Clinton administration, it is a concern that we continue to have,'' the statement concluding, ''that this enemy remains intent on obtaining and using catastrophic weapons.''

During the 1990s, we saw what al Qaeda and other organizations were willing to do and what they were capable of doing. Director Tenant goes on and explains a little about the war against al Qaeda and its leadership:

''Military and intelligence operations by the United States and its allies overseas have degraded the group. Local al Qaeda cells are forced to make their own decisions because of disarray in the central leadership. We are creating large and growing gaps in the al Qaeda hierarchy. We are receiving a broad array of help from our coalition partners, who have been central to our effort against al Qaeda.''

This is something that we found out in some of the travels and in the opportunities I have had to meet with individuals in the Middle East.

''We have a number of allies in the war against al Qaeda. Since the May 12 bombings, the Saudi government has shown an important commitment to fighting al Qaeda in the kingdom, and Saudi officers have paid with their lives. Elsewhere in the Arab world we have received valuable cooperation from Jordan, Morocco, Egypt, Algeria, the UAE, Oman, and many others. President Musharraf of Pakistan remains a courageous and indispensable ally, who has become a target of assassins because of the help he has given us.

''Partners in Southeast Asia have been instrumental in the roundup of key regional associates of al Qaeda. Our European partners work closely together to unravel and disrupt the continent-wide network of terrorists planning chemical, biological, and conventional attacks in,'' not in America, not in the U.S., ''in Europe.''

Again continuing to quote: ''So we have made notable strides. But do not misunderstand me. I am not suggesting al Qaeda is defeated. It is not. We are still at war. This is a learning organization that remains committed to attacking the United States, its friends and its allies.''

Again, these are the words of our Director of Intelligence, Director Tenant.

Going on again: ''Successive blows to al Qaeda's central leadership have transformed the organization into a loose collection of regional networks that operate more autonomously. These regional components have demonstrated their operational prowess in the past year. The sites of their attacks span the entire reach of al Qaeda: Morocco, Kenya, Turkey, Jordan, Saudi Arabia, Kuwait, Afghanistan, Pakistan, and Indonesia.

''Al Qaeda seeks to influence the regional networks with operational training consultations and money. Khalid Shaikh Mohammed sent Hambali $50,000 for operations in Southeast Asia. You should not take the fact that these attacks occurred abroad to mean that the threat to the United States homeland has waned. As al Qaeda and associated groups undertook these attacks overseas, detainees consistently talk about the importance the group still attaches to striking the main enemy: the United States.

''Across the operational spectrum, air, maritime, special weapons, we have time and again uncovered plots that are chilling. On aircraft plots alone we have uncovered new plans to recruit pilots and to evade new security measures in Southeast Asia, the Middle East, and Europe. Even catastrophic attacks of the scale of 11 September remain within al Qaeda's reach. Make no mistake, these plots are hatched abroad, but they target U.S. soil or that of our allies.''

Again, this is Director Tenant speaking to the Senate Permanent Select Committee on Intelligence earlier this week. And I encourage my colleagues to go to the Web sites and read this testimony in complete detail to better understand the threats that we still face; and if they have questions, to peel back the layers so that they can make their own personal assessment of the threats that still face the United States.

Again Director Tenant goes on: ''So far I have been talking only about al Qaeda, but al Qaeda is not the limit of terrorist threat worldwide. Al Qaeda has infected others with its ideology, which depicts the United States as Islam's greatest foe.

''Mr. Chairman, what I want to say to you now may be the most important thing I tell you today. The steady growth of Osama bin Laden's anti-U.S. sentiment throughout the wider Suni extremist movement, and the broad dissemination of al Qaeda's destructive expertise, ensures that a serious threat will remain for the foreseeable future with or without al Qaeda in the picture.''

I believe that if you go back and take a look at the statements in the Clinton

administration, what Director Tenant laid out earlier this week is very little different; is very, very consistent with what the Clinton administration outlined during the 1990s. There is a real threat out there. That threat continues to evolve, it continues to change, and it continues to mature and respond to the steps that we take against it.

Again going back to Director Tenant's testimony: ''A decade ago, bin Laden had a vision of rousing Islamic terrorists worldwide to attack the United States. He created al Qaeda to indoctrinate a worldwide movement and global jihad with America as the enemy, an enemy that would be attacked with every means at hand. In the minds of bin Laden and his cohorts, September 11 was the shining moment, their shot heard round the world, and they want to capitalize on it.

''And so even as al Qaeda reels from our blows, other extremist groups within the movement it influences become the next wave of terrorist threat. Dozens of such groups exist. These far-flung groups increasingly setting the agenda are redefining the threat we face. They are not creatures of bin Laden, so their fate is not tied to his. They have autonomous leadership. They pick their own targets. They plan their own attacks.

''Beyond these groups with the so-called foreign jihadists, individuals ready to fight anywhere they believe Muslim lands are under attack by what they see as infidel invaders. They have drawn broad support networks, have wide appeal, and enjoy a growing sense of support from Muslims who are not necessarily supporters of terrorism. The foreign jihadists see Iraq as a golden opportunity.''

He kind of closes this part of his presentation to the Senate Permanent Select Committee on Intelligence with these words:

''Let me repeat: For the growing number of jihadists interested in attacking the United States, a spectacular attack on the U.S. homeland is the brass ring that many strive for.'' Let me just repeat that: ''For the growing number of jihadists interested in attacking the United States, a spectacular attack on the U.S. homeland is the brass ring that many strive for.'' He then goes on, ''with or without encouragement by al Qaeda's central leadership.''

Like I said, I would encourage my colleagues to go to various different sources and review this material from Director Tenant that was given in open session and is available to them. Go through it in detail. It is that important that they have that information as we move through this year.

I genuinely believe and agree with the assessments that came out of the Clinton administration, that are coming out of this administration, and that have come out of Director Tenant as he worked with the Clinton administration and as he works in this administration, that the threat is real. I believe that that is a bipartisan conclusion.

Working on the Permanent Select Committee on Intelligence, one of the things that you find is that on issues of national security there are not partisan differences. We strive to leave the partisan labels at the door when we move in. We recognize that the issues that we work on are so critical that we cannot politicize them. We cannot make them partisan. We need to have and focus on what is best for the security interest of the United States.

In light of that, on a number of occasions members of the Permanent Select Committee on Intelligence have had the opportunity to travel abroad together to meet with leaders from different countries to assess what is going on in Iraq or what is going on in Afghanistan. And in that light, six of us had the opportunity a week and a half ago to go to Libya, to go to Iraq, and to go to Afghanistan.

Let me just give a few highlights of that trip. I will have a diary available within the next week or so, if Members want to see a more detailed explanation of exactly my views of what happened on this trip; but it is a bipartisan delegation, four Republicans and two Democrats, who went on this trip.

□ 1545

Our first stop was in Libya. It is kind of amazing as the individuals who were leading this trip were planning it in late November and December, I do not think that any of us would have expected when we traveled overseas in February that we would be stopping in Libya. That is one place that congressional delegations and Americans basically did not go. But in December and early January, Colonel Qadhafi started signals out that he was willing to disengage in his weapons of mass destruction program, and he was willing to move forward and allow U.N., NATO or U.S. inspectors into the country to look at his programs and then destroy those programs, and then move into the area of having closer economic and cultural ties with the U.S. and Europe.

So our State Department requested that we stop in Libya and meet with Colonel Qadhafi and encourage him in the direction that he was moving. After much effort and seeing much of the Libyan countryside, that is exactly what we had an opportunity to do, to express our appreciation to Colonel Qadhafi about the direction he was going and encourage him to continue in that direction.

We still have a number of issues with Colonel Qadhafi in terms of how he treats the people in Libya, but we will continue to work with him on those outstanding issues, but recognize as he dismantles the weapon of mass destruction program in Libya, that provides us with a huge step forward. It is a significant step forward. Already we have learned much about how that whole network of chemical, biological, and nuclear weapons worked. It has helped us expose things in Pakistan and give some kind of a better understanding what currently may be available in North Korea, what may be available in Iran, and what these countries may have had access to on the international market, and how they would have accessed these goods and services and products, and how far they might have progressed.

There has been much benefit as to Colonel Qadhafi and the steps he has already taken. We encourage him to continue moving in that direction.

We also had some very interesting quotes as we sat down with an individual that we had read much about, but none of us ever had the opportunity or ever expected to have the opportunity to be in the same room with him or any of his parliamentary leaders. Some of their quotes included, ''God created man on this Earth. Therefore, they have natural needs and natural rights. These are not bestowed by anyone else, and they cannot be taken away by men.''

Another quote that came out of our discussions, and remember, this is the Libyans talking to Members of the U.S. House of Representatives, ''Every person has the right to develop to their full potential to live in peace, security, and prosperity.''

Another quote, ''How can you enslave people who are born free?''

Something that they are very proud of, and it is captured in this quote, ''The leader of the revolution has even received recognition with an international human rights award.''

Let me go back to the first quote, and would it not be great if Libya and others lived by what they told us, ''God created man on this Earth. Therefore, they,'' meaning men, ''have natural needs and natural rights. These are not bestowed by anyone else, and they cannot be taken away by men.''

We had an opportunity to spend about an hour and 45 minutes with Colonel Qadhafi. As I said, we were supposed to meet with him in the morning, and we finally ended up meeting with him late in the afternoon. It was a fascinating discussion. The message that he first delivered us, even though we were in a situation where we had been adversaries for such a long time, we never knew each other. It was felt that was not good, we ought to get together, and we ought to have a dialogue. And I think we agreed that we want to have that dialogue, and not just a dialogue on weapons of mass destruction, but also on human rights within his country.

He talked about his decision to dismantle the weapon of mass destruction program and denounce terrorism, which was based solely on the self-interest of Libya. Our concern was not why Colonel Qadhafi has moved in that direction, but we ought to be thankful that he has decided to move in that direction. Colonel Qadhafi expressed a desire for the normalization of relationships between our countries, a desire for political economic ties, as well

as cultural and student exchanges between Libya and the United States. It was a fascinating opportunity to get an insight into this man and into this country and to be part of perhaps history, to be part of a history that will be part of rewriting the chapter of relationships between the United States and Libya.

We then went on to Iraq. I have been to Iraq a number of times before in measuring the progress of what has been going on. There are a number of reasons that we ought to be pleased about the success that we are having, but as we go through this, I think it is important to recognize that there is still so much to do. There is no doubt that we are making progress on the economic side. There is no doubt that we are making progress on the political side. There is no doubt that we are making progress on the national security side, but the bottom line is there was so far to go.

Both Iraq and Afghanistan, remember, they had either been under the control of someone like Saddam Hussein for the last 30 years, a total destruction of the fiber within the country, the fiber of a civil society.

In Afghanistan, we have the same thing, which has been under control of the Taliban or the Russians for the last 10, 12 years, and as President Karzai told us, what little we had in terms of infrastructure and a civil society, what little we had was destroyed during the 1990s.

But we are now in the process of helping these countries rebuild a civil society, and by a civil society we mean there is a rule of law, that they understand the rules by which they as a society have agreed to live by; that they have an enforcement mechanism, and that they have a police force to monitor and enforce the laws and the rules that have been put in place; that they have a judiciary that can adjudicate disputes between the people in a peaceful way; and they also have the opportunity for representative government, and that they have an opportunity for transparent government bureaucracies.

What does that mean? It means that the people have a high degree of confidence that the actions that are going on in the institutions of government are free from corruption and are achieving the results to benefit the people of the nation and not a few of the rulers.

So we are working to establish a civil society in both Iraq and Afghanistan; and we are making progress, but do not underestimate the amount of work that needs to take place. Recognize how far these countries have to go, and recognize where they started from.

When this Nation was founded, we started with the Articles of Confederation, found out that they did not work the way that we wanted them to, and then we developed the current Constitution. When our Founding Fathers got together that second time to develop the Constitution as we now know it, it took them 4½ months to write it.

Afghanistan has just completed writing its Constitution and ratifying it. Hopefully they will be moving, and we are expecting that they will be moving towards elections this summer. It is a significant step forward and guarantees equal rights to men and women. Twenty-five percent of their new Parliament are guaranteed to be women by the nature of their Constitution.

In Iraq, we are asking this government to come up with a process for selecting the people who will write their Constitution. And then developing the Constitution, we are basically giving them right around 4 months to do that. It is important that we have an accelerated process, but we are asking these folks to do a lot in a very short period of time, and we are asking them to do it in a dangerous and difficult environment.

There are still folks out there who want to ensure that we do not have a civil society in Iraq and that we do not have a civil society in Afghanistan because they recognize that as the roots of a civil society take place, they will no longer be able to benefit at the expense of the larger population, and they realize that they will lose the power to intimidate the people of Iraq and Afghanistan. These were brutal rulers in both of these regimes, killing thousands of their own people. In Iraq, it is estimated that Saddam Hussein and his henchmen killed over 300,000. We are asking to provide an opportunity to move these societies to the rule of law, transparent government, functioning judiciaries, a functioning free press and an openness in their society.

There are a lot of statistics that are out, and I believe these are also available on various Web sites from the Pentagon, talking about the progress that we are making in Iraq, talking about the progress that we are making in the area of electricity, talking about the progress that we are making in the area of oil production, and talking about the progress that we are making in the area of education, opening schools, inspecting new schools, training teachers, having 1,500 secondary students participate in student exchange programs, talking about what is going on in health care, providing training to 2,500 medical staff by April 4. These are folks who for 20 years have been in isolation. There are all kinds of positive things that are going on that are helping to bring back a civil society in Iraq. We are making sure that we provide folks with basic human needs, including food and those types of things, telecommunications.

There is a lot of information about the progress that we are making, but I just want to share a few things that I think are maybe as indicative, if not more indicative, of the change that may be taking place in Iraq. Let me state again, there is a tremendous amount of work that still needs to take place in Iraq. There is a tremendous amount of work that still needs to take place in a relatively short period of time in a difficult environment with people who are committed to seeing not that the coalition fails, but that the folks in Iraq, the Iraqis who want to build a new nation, that they will fail. These are folks that are thrilled that they have been liberated and that America is there. They are thrilled that Saddam Hussein is gone.

The interesting story in Afghanistan is the most popular person, as President Karzai talked to us in Afghanistan, and he is a very popular President because he represents the move toward civil society in Afghanistan, but the most popular person in Afghanistan today is the American Ambassador to Afghanistan. President Karzai said it is a good thing your ambassador is not on the ballot because he might win.

The Iraqis and the Afghans are optimistic about the opportunity they have to create a new Iraq and create a new Afghanistan.

□ 1600

Like I said, one of the most moving parts of our trip was when we went to one of the police academies in Baghdad. Part of creating a civil society is to make sure that not only do you have the rule of law which is going to be developed in their constitution but that the person on the street recognizes that there is a rule of law and there is a mechanism to enforce that. Part of that is the police force. We all know that that is essential by what the folks who are opposed to the coalition and to a new Iraq have been doing over the last couple of months. They are no longer targeting Americans and coalition forces. Sure, they will take a shot at us if they see a vulnerability or an opening, but what they are now doing is they are attacking those folks that are helping to put together the pieces of a new Iraq. A critical part of that is the police force.

The week before we went to Iraq, there were a couple of just dramatic bombings, deadly bombings. Over 100 policemen or recruits were killed in two bombings. Each time we go on this trip and when we come home, we are committed to honoring the lives and the sacrifices of American and coalition forces in Iraq. What we also wanted to do this time is we wanted to extend our appreciation to the young men, and the young women, in Iraq who are stepping up and taking their place eagerly in the new Iraqi police force, recognizing that when they leave that academy they become the targets, because they are that link of the new Iraqis who are going to be putting together and enforcing and creating a civil society.

They are the targets for those that are opposed to our success. They recognize that in the last couple of weeks 100 of them had been killed. Just this past Monday, I believe, or this past weekend, there was another bombing, another seven policemen were killed. We

met with these young recruits. They are going to go through 4 to 6 weeks of training. Some of them may be selected to go on for more advanced training. They will be the ones that in many cases will be patrolling the streets of Baghdad with coalition and American forces, to get additional training. We went there. Eloquently, the leader of our delegation, the gentleman from New York (Mr. BOEHLERT), expressed our appreciation and expressed our sympathy to these recruits in recognizing that 100 of their colleagues had died recently.

We then had the opportunity to go around and to talk to many of these recruits as they were lined up in formation, and we shook hands with probably over 200 to 250 of the 500 troops or the policemen that were assembled there. Universally, the message was consistent. You could see the energy, the enthusiasm and the excitement on their faces and in their eyes. They were excited about what they were doing. You could hear it by what they said, because the message consistently as they shook our hands was, thank you. Thank you. Thank you for being here. Thank you for liberating us from Saddam Hussein and thank you for coming to us and expressing your support for what we are doing and the training and the jobs that we have committed ourselves to and recognizing the sacrifice that Iraqis are paying in building a new Iraq.

And then as we moved past, as we shook their hands, they took their hand, placed it on their heart and moved it away, meaning the true sincerity by which they were expressing their words and their actions and their emotions. As we left and as we finished meeting with and talking with these recruits, they broke out into a spontaneous applause and cheer, recognizing the partnership and the kinship, although very few of them spoke English, but the partnership and the kinship that they felt with a congressional delegation from the United States and a police academy headed by a Brit that we all were on the same page, working and moving in the same direction of building a new and a free Iraq with a civil society and that we were united in the effort to fight terrorism in Iraq and Afghanistan.

We saw the same kinds of things as we went and drove the streets in Iraq, the actions of the kids as we walked by or as we drove by through the streets of thumbs up. They knew what it was like before. They know what it is like now. They can only anticipate. But they anticipate with eagerness what they see happening in the future.

I just want to share a few more things. One of the great things now about Iraq, it was a closed society for 30 years. There was a story of someone who was imprisoned. They asked him, there was a question as to, or there was somebody who wanted to help us, they said, well, he was a Baathist and these types of things and people were suspicious. But then he said, well, you know, I spent a year in jail, at which point in time it kind of perked the interest of some folks. They said, maybe this guy is all right. They said, why did you get into jail? He said, I badmouthed Saddam Hussein. I badmouthed Saddam Hussein to my best friend and my best friend told the authorities, and I ended up in jail.

That was the kind of Iraq that they saw for 30 years. So they eagerly anticipate going in places they have never been. In this new society, they are experimenting, and they are seeing things they never had before. Freedom of dissent, freedom to express opinions, access to technology they never had before, cell phones, satellites; and as soon as they have that, they have access to information they never had before, and in a very short period of time, they are now finding that many Iraqis are putting up their own Web pages, communicating in e-mails, talking about what it is like to be in a new Iraq, what they hope for in the future. Here is one story off one of the Web pages. Thursday, February 12, 2004:

Hi, friends. I received this e-mail from a Kurdish Iraqi who now lives in exile. I post this without any editing on my part. This has moved me.

This is an e-mail that someone gave to me and thought I would be interested in reading it.

For the love of our nation. I am a big fan of Iraq. I love it inch by inch from Zakho to al-Fao. I love Iraq's mountains. I love Iraq's desert. I love Iraq's big cities and small villages. I love Iraq's old and new music. I love Iraq's poetry. I love Iraqis' sarcastic sense of humor. I love Iraq's tea shops. In short, without Iraq, there is no me.

Born a Kurd in the breathtakingly beautiful North, I was taught as a child to speak, read and write both of Iraq's main languages, Kurdish and Arabic. Oh what a feeling it would be when one day I learn how to speak Assyrian and Turkish so that I could communicate with my Assyrian, Chaldean and Turkman brothers and sisters in their native language. I love the sound of the speakers at dawn when Iraqis are called to prayer, not because of my religious passion but because it is the practice of my people. I love the bells of the Iraqi churches on Sundays, not because of my Christian views or lack thereof but simply because of my Iraqiness.

You see, comrades, I would like to ask of you a small favor. I want you to please look at the word Iraq. Look at it. Now picture it on Ahmad Radhi's jersey. Picture it on the atlas. Picture it in the index of every book where civilization is mentioned. Picture it at the United Nations. Picture it on your passport. The secret is very simple. To love Iraq and Iraqis without exception is to not think of Iraq as Saddam Hussein, as those in favor of the occupation and those opposed to it. It is not to think of it as to whom Kirkuk belongs. But what's really beautiful about Iraq is the fact that it predates all of these things, not as a piece of land through which two rivers flow but as a civilization where the setting of the stage for all that human beings have accomplished began. That is Iraq and we are blessed to be members of this land that has fascinated the world in its entirety.

Why am I writing this? I am writing this because I see among us a bigger sense of division than unity. I see among us more feelings of resentment than those of joy. I see among us more anger than soberness. I see among us people like fanatic Kurds and people who instead of trying to understand them or convince them otherwise, they attack their people as if they have a mandate from the Kurds of Iraq.

In Kirkuk, Kurdish flags virtually crisscross the city. In response to the Kurdish obsession with their flag, the Turkmans have done the same with their flag. The Arabs of Kirkuk are virtually trapped in the middle of too much ethnic tensions. They have every right to Kirkuk just as the people of Dohuk have every right to Najaf as long as their desire for residency is on the basis of their Iraqiness rather than their Kurdishness or Arabness or Shiaism or Turkmanism. Yes, I am inventing these terms because they should not exist.

Am I boring you? Well, read on. There are 1 million Kurds living in Baghdad. That number is larger than the Kurds of Kirkuk, Sulaimania, Arbil and Dohuk, not combined but individually. What does that mean? In a democratic Iraq; that means 1 million votes. We are often deceived of hearing the Sunni center without considering the number of Kurds and Shia, not to mention Christian and Yezidi Iraqis that live in Baghdad and around Baghdad. We hear the Kurdish North without looking at Mozul, the second largest Arab city in Iraq after Baghdad. We hear of the Shia South without considering the Sunni, Kurds and Arabs that live all around the south from Basra to Hilla to Najaf to Karbala.

The bottom line is, Iraq is the land of the Iraqis. The groups that constitute our beautiful mosaic should be Iraqis before they are Kurdish, Arabic, Assyrian. Once an Iraqi government is established and the various Iraqi groups are given something to lose, they will naturally feel more Iraqi. Once we are sober and awakened, things will be different. Have faith in Iraq because there is no land on Earth that is more beautiful than Iraq. Behold, one little beautiful flower of new Mesopotamian nationalism blossoms. More will follow. Salaam.

There are all kinds of these. Let me go to the last one. This is interesting because one of the key issues about what is going to be happening in Iraq and Afghanistan and other parts of the Muslim world is what is going to happen to the women, will they have equal rights. Like I said, in Afghanistan 25

percent of the new parliament will consist of women. The women are guaranteed equal rights in the constitution, equal rights between men and women. It is a very, very positive statement. Here is another: ''Iraqi Women Groups Take to the Streets.''

Iraqi women representing 55 women groups and organizations from all over Iraq gathered at Fardus Square this morning to sign a petition against resolution 137 to demand equal rights and fair, unbiased representation, at least 40 percent, in the future Iraqi transitional council, governorate and municipal councils. Forty percent. They are not satisfied with what they got in Afghanistan with 25. They want at least 40 percent.

The sit-in was organized by the Supreme Council of Iraqi Women, the Advisory Committee for Women Affairs, and the Iraqi Women Network. Other noted women groups were present such as the Iraqi Contemporary Women Movement, Organization for Women Freedom in Iraq, Iraqi Hope Association, Independent Women Organization, Women's Union of Kurdistan, Kurdistan Free Women Movement, Iraqi Women Revival Organization, and the Iraqi Students and Youth Union. Over 55 different groups. Think of it, in a very short period of time, the number of organizations that are forming and learning how to participate in representative government. They will make mistakes, but they are going through a very constructive process. They are learning how to express their voice in a meaningful way that they have not had the opportunity to do.

Several women activists gave speeches. Planning Minister Dr. Mahdi Al-Hafudh shyly gave a brief word of support and signed the petition. It got interesting when a woman in a burqa showed up at the gathering with her three kids. Remember, this is all on their Internet, the Web pages. Reporters all stormed forward trying to interview her. Her husband was imprisoned for years by the former regime for political reasons, only to be executed in the end and for her to pay for the bullets. A very heart-rending story. She held his death certificate, as you can see in the pictures. She said, we didn't wait all these years without the most basic rights to be denied them now. An Arab reporter asked her if she was Sunni or Shiite.

□ 1615

Her quote: '''I'm neither,' she snapped at him. 'I'm an Iraqi citizen first and foremost, and I refuse to be asked such a question.'

''AYS, and I, skulked around Fardus square and took pictures. Omar joined us later. We signed the petition against Resolution 137 and the woman offered us a rose. If you want to sign it, there is an on-line petition which you can find at this site. Equality in Iraq. The petitions are to be submitted to Paul Bremer, and Kofi Annan later this week. Bremer has made it known that he will veto any law that will not recognize basic civil freedoms, but Resolution 137 is yet to be vetoed.

''You can find pictures of the gathering'' as well.

Communication and representative government and participation is alive and well, as the other e-mail indicated and closed, ''Behold, one little beautiful flower of new Mesopotamian nationalism blossoms. More will follow.'' Let us hope and pray that that is exactly what will happen in Iraq. There is a tremendous amount of work that has been accomplished in Iraq. There is a tremendous amount of work that has been accomplished in Afghanistan. There is a tremendous amount of work that needs to still occur for those flowers, additional blossoms, to bloom. But that is what we are working for so that these folks can have a representative government, a new and free Iraq and a new and free Afghanistan.

THE DISPARITIES IN WEALTH AND INCOME

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Vermont (Mr. SANDERS) is recognized for 60 minutes.

Mr. SANDERS. Mr. Speaker, as the only Independent in the House of Representatives, my views are a little bit different than many of my Democratic and Republican colleagues. So I want to share some thoughts today, thoughts that are not necessarily often expressed here on the floor of the House or often expressed, unfortunately, in our corporately controlled media. Also I would like to mention to Members of the House that if they need any further information on any of the issues that we are going to be discussing they can get it from our Web site which is www.Bernie.house.gov.

Mr. Speaker, the corporate media does not talk about it terribly much, and we do not talk about it terribly often here on the floor of the House, but the United States of America is rapidly becoming three separate nations. We are becoming a Nation which has an increasingly wealthy elite composed of a small number of people with incredible wealth and power. That is one part of our Nation. The other part of our Nation is a middle class, the vast majority of our people, and that part of our society is shrinking. Middle class is shrinking. The average worker in America is working longer hours for lower wages. And the third part of our society, the low-income people, what we are seeing is a substantial increase in poverty, and we are seeing millions and millions of the poorest people in this country struggling hard just to keep their heads above water. One America incredibly rich, another America working longer hours for low wages, another America struggling hard to make ends meet.

Mr. Speaker, there has always been a wealthy elite in this country. That is not new. And there has always been a gap between the rich and the poor. But the disparities in wealth and income that currently exist in this country today have not been seen since the 1920s. In other words, instead of becoming a more egalitarian Nation with a growing middle class, we are becoming a Nation with by far the most unequal distribution of wealth and income in the entire industrialized world. It is not England with its royalty. It is the United States of America which has the most unequal distribution of wealth and income of major countries.

Today, the wealthiest 1 percent of Americans own more wealth than the bottom 95 percent. The wealthiest 1 percent, yes, that is right, the wealthiest 1 percent own more wealth than the bottom 95 percent. The CEOs of our largest corporations now earn 500 times what their workers are making, while their employees are being squeezed, being forced to pay more for their health insurance, while pensions are being cut back for workers, while retiree benefits are being cut.

The CEOs of large corporations are making out like bandits. And I am not just talking about the crooks who ran Enron or WorldCom or Arthur Andersen. I am talking about the highly respected CEOs like the retired former head of General Electric, Jack Welch, who, when he retired in 2000, he received $123 million in compensation and a $10-million-a-year pension benefit for his lifetime, and meanwhile he cut back on the jobs that GE had in America and shipped substantial amounts of those jobs over to China and Mexico. But he did take good care of his own needs.

And I am talking about Lou Gerstner of IBM. He is the former head of IBM, who, from 1997 to 2002, received $366 million in compensation while slashing the pension benefits of his employees.

I am talking about people like C.A. Heimbold, Jr. of Bristol-Myers Squibb, who received almost $75 million in 2001 while helping to make it almost impossible for many seniors in our country to afford the outrageously high cost of prescription drugs.

Mr. Speaker, we do not talk about this issue enough, but we should, and that is that today the Nation's 13,000 wealthiest families, who constitute 1/100 of 1 percent of the population, a tiny, tiny percentage of Americans, receive almost as much income as the bottom 20 million families in the United States of America; 1/100 of 1 percent receive as much income as the bottom 20 million families. And I defy anyone to tell me that that is in any way fair or that is in any way what the United States is supposed to be.

New data from the Congressional Budget Office, the CBO, shows that the gap between the rich and the poor in terms of income more than doubled from 1979 to the year 2000. In other words, we are moving in exactly the wrong direction. The gap is such that the wealthiest 1 percent had more

money to spend after taxes than the bottom 40 percent.

Mr. Speaker, according to data from the CBO, between 1973 and 2000, the average real inflation-accounted-for income of the bottom 90 percent of American taxpayers actually declined by 7 percent, the average worker seeing a decline. Meanwhile, the income of the top 1 percent rose by 148 percent. The income of the top 1/10 of 1 percent rose by 343 percent, and the income of the top 1/100 of 1 percent rose by 599 percent.

I know I am throwing out a lot of figures, and I suspect that I am boring some people, but the important point to be made here is the middle class is shrinking, and the people at the very top are doing extraordinarily well.

Mr. Speaker, when I was growing up, the expectation was that for someone in the middle class, that person in that family would be working 40 hours a week and would earn enough money to take care of the needs of a family. One person, 40 hours a week, earning enough money to take care of the whole family. I think, Mr. Speaker, we can all agree that that is no longer the reality for very many families in this country. What has happened is, because of the shrinking of the middle class, the decline in real wages, it is very rare indeed in my State of Vermont or in any State in this country that we see a situation in which both people in a marriage are not now forced to work, leaving kids at home or in child care.

In terms of what is happening to the middle class, we have lost over 3 million private sector jobs in the last 3 years, and with over 8 million workers unemployed, the unemployment rate today is at 5.4 percent. But I think we all know that that unemployment, the official unemployment statistic, very much understates the reality facing workers in America. Today if one is living in a high unemployment area, and if they have given up looking for work, they are not a statistic. If they are working part time and want to work full time, but there are no full-time jobs available, they are not a statistic. So the reality is that real unemployment is substantially higher than official statistics indicate.

In addition, of course, there are millions of Americans today with a college degree or higher education degrees who are working at jobs that require far less education than their abilities would provide.

Mr. Speaker, here is a point that I want to spend a little bit of time on: Importantly, over the last 3 years, of the 3.3 million private sector jobs that have been lost, over 2.8 million of those jobs were in the manufacturing sector. And one of the reasons for that is that we have a disastrous trade policy which almost tells corporate America, leave the United States of America, go to China, go to Mexico, go to some disparate Third World country where people are paid pennies an hour. That is what we want them to do.

The reality is that NAFTA has failed, our membership in the World Trade Organization has failed, and perhaps, above all, permanent normal trade relations with China has failed.

Mr. Speaker, the time is now, and it is long overdue for the United States Congress to stand up to corporate America, to stand up to the President of the United States, to stand up to the editorial writers all over this country who year after year after year have told us how wonderful unfettered free trade is, how many new jobs would be created. The results are in. They are wrong. Unfettered free trade has been a disaster for working Americans. It has been a disaster for the middle class. And it is high time we understood that. It is high time we ended our disastrous trade policies and begin to negotiate trade policies that work not just for corporate America, not just for CEOs who make huge compensation packages, but trade policies that are fair for the working people of this country.

Mr. Speaker, one of the issues that is not talked about enough, is not talked about enough, is a very simple question, and the question is this: If in the last 20 or 30 years we have seen an explosion of technology, if we have seen the development of sophisticated computers, we have seen the development of e-mail, we have seen faxes, we have seen cell phones, we have seen satellite communications, we have seen robotics in factories, we are a Nation which has experienced a huge increase in productivity.

□ 1630

My question is, if the average worker today is far more productive than he or she was 20 years ago, why is that worker not working shorter hours and earning more money, rather than, in fact, working longer hours and earning less money? Why is it that in 1973 the average American worker in inflation-accounted-for wages made $14.09 an hour, while in 1998 he or she made only $12.77 an hour? There is something wrong when productivity is exploding and workers are earning less in real wages.

In terms of manufacturing, we have, unbelievably but true, we have in the last 3 years lost 16 percent, 16 percent, of the jobs in our manufacturing sector. At 14.3 million jobs, we are at the lowest number of factory jobs since 1950, since 1950. In my own State of Vermont, one of the smallest States in this country, we have lost some 9,300 manufacturing jobs since 2001. And here is the tragedy: We are not, when we lose manufacturing jobs, just losing jobs; we are losing good-paying jobs. In Vermont, for example, on average, someone working in manufacturing makes over $42,000 a year. That is a decent income. And when that employee loses his or her job, in almost every instance the new job that is acquired pays less than the job that has been lost and provides lower benefits.

So when we look at the economy, as important as it is to look at the rate of unemployment, it is equally important to look at the jobs that are being lost and what they paid and the new jobs that are being created and what they pay.

In that regard, a recent study by the Economic Policy Institute showed that in 48 out of our 50 States, more good-paying jobs were lost than were created. Nationally what they discovered is that new jobs created paid 21 percent less than the jobs that were being lost. We are losing decent-paying manufacturing jobs, good benefits; we are growing low-wage service industry jobs, poor benefits. In my State of Vermont, those numbers are higher. The new jobs being created are 29 percent less than the jobs we are losing.

Now, when we talk about the economy, the $64 question on everybody's mind should be, what is going on for the future? What is going on for the future? Will the new jobs that are being created for our kids and our grandchildren be challenging jobs, be important jobs, be jobs that provide them with a middle-class standard of living? Those are the questions that parents are asking all over America; what kind of jobs will be available for our kids or our grandchildren?

Every 2 years the Bureau of Labor Statistics does a study, and what their study is about is to project and to study what new jobs will be created in largest numbers over the next 10 years. They just completed a study covering the years 2002 to 2012. In other words, the question is, in what occupations are we going to see the most job growth, and what occupations will we see the least job growth?

Let me quote from Business Week as to what the results of that study showed: ''According to a forecast released February 11 by the Federal Bureau of Labor Statistics, a large share of new jobs will be in occupations that do not require a lot of education and pay below average.'' Pay below average. That is what is being projected in terms of new jobs for our kids.

Think for a moment. All of this technology, all of this emphasis on education, and the new jobs that are going to be created pay below average. Of the 10 occupations that are expected to grow the most, only 2 would require a bachelor's degree; 1 of those 10 jobs requires an associate degree, 7 require a high school degree.

So the conclusion there, the reality there, is that many of the new jobs being created for the future are waiters jobs and waitresses jobs, food preparation jobs, customer service representatives, jobs that require on-the-job training, jobs that do not require a college education and jobs that are low wage.

In other words, Mr. Speaker, it tells us that a profound lie is being perpetrated on the American people. It tells us that unless we change our public policies very quickly, the middle class will continue to shrink, and the jobs being created for the coming generations will, by and large, be low-wage, unskilled work. That is not the

America that I want to see for our kids or grandchildren, nor do I think that is the America that most Americans want to see.

Now, Mr. Speaker, when we talk about the decline of manufacturing, when we talk about the loss of decent-paying jobs to China and other countries, let us understand that this year alone the United States has had a $500 billion record-breaking trade deficit, $500 billion more in goods and services than we are sending out.

In 2003, the trade deficit with China alone, one country, was $120 billion, and that number is projected to increase in future years. In fact, the National Association of Manufacturers estimates that if present trends continue, our trade deficit with China will grow to $330 billion in 5 years. I hope those Members of Congress who told us how great most favored nation status with China would be, how great permanent normal trade relations would be, hear those numbers. $120 billion trade deficit today. The expectation is that in 5 years that number will be $330 billion.

Mr. Speaker, our disastrous trade policy is not only costing us millions of decent-paying jobs, it is squeezing wages. It is squeezing wages, because companies have now the opportunity to easily go to Mexico or to China. They are putting the squeeze on American workers, and they are saying if you do not take cuts in wages, if you do not put more into your own health care package out of your own pocket, we are going to be going.

This trend of wage squeezing is most apparent and most dramatic among people who only have a high school diploma who are now going out into the labor market. They are seeing a huge decline in wages today compared to what the case was 20 years ago, and the reason for that is obvious; 20 or 30 years ago there were factory jobs available that enabled high school graduates to earn a middle-class standard of living. Today those jobs are gone, and they are only available at McDonald's, at Wal-Mart, and people cannot make it on those wages.

I think, Mr. Speaker, if I were to summarize what is happening in our economy today, I think the easiest way to do it would be to point out that not so many years ago General Motors was the largest employer in America. General Motors, with a strong union, paid its workers and pays its workers today a living wage, good wages, good benefits.

But today, Mr. Speaker, the largest employer in the United States of America is Wal-Mart, not General Motors. That is the transition, from a GM economy of good wages, to a Wal-Mart economy of poverty wages. Today Wal-Mart employees earn $8.23 an hour, or $13,861 annually, wages which are below the poverty level. That is what is going on in the American economy. Our largest employer now pays workers wages that are below the poverty level.

Ironically, and pathetically, many of these workers qualify for Federal food stamp programs, which means that Wal-Mart is being directly subsidized by U.S. taxpayers. Wal-Mart, our largest employer, has been sued by 27 States for not paying the overtime pay their workers are entitled to, and some months ago Federal agents raided their headquarters and 60 of their stores across this country, arresting 300 illegal workers in 21 States. That is our largest employer.

A recent study, and this is really incredible and an issue that I intend to move vigorously on, a recent study indicated that for every Wal-Mart Super Store that employed 200 workers, taxpayers were subsidizing these low-paid workers to the tune of $420,000 per year, which equates to about $2,100 per employee. Can you believe that? Wal-Mart salaries and benefits are so low that taxpayers throughout this country have got to provide health care benefits and food stamp benefits and housing benefits to supplement the pathetically low wages that Wal-Mart, our largest employer, is providing.

Now, here you add insult to injury, Mr. Speaker. It turns out that while the taxpayers of this country, the middle class of this country, is subsidizing Wal-Mart, 5 out of the 10 wealthiest people in America are in, yes, you got it right, the Walton family, and the widow of Sam Walton as well. So these five people who own Wal-Mart are some of the wealthiest people in America. Each of them is worth about $20 billion. Five people owning Wal-Mart, $20 billion apiece, $100 billion for one family, and, guess what? The middle class of America is subsidizing their employees because they are paying their workers poverty wages.

Now, if that makes sense to somebody, please give my Web site an e-mail. You tell me, www.Bernie.house.gov. If that makes sense to you, you e-mail that to me. That is what the transformation of the American economy is all about, the loss of good-paying jobs, the creation of poverty-wage jobs.

Mr. Speaker, not only has permanent normal trade relations with China been a disaster, but so has NAFTA. We have an increased trade deficit with Mexico. We have lost many, many jobs to Mexico. The irony there is that people might think, well, you know, NAFTA was bad for workers in the United States, but maybe it helped the poor people in Mexico.

Well, think again. Think again. NAFTA has been a disaster for the poor and working people of Mexico. Since 1994, when NAFTA went into existence, the number of people classified as poor or extremely poor has risen from 62 million to 69 million out of a population of 100 million. Since 1994, Mexico's agricultural sector, their rural area, has lost 1.3 million jobs, which is one of the reasons that we are seeing an increase in illegal immigration.

Frankly, Mr. Speaker, it did not take a genius to predict that unfettered free trade with China would be a disaster, which is why I and many other Members in the House have opposed it from the beginning. When you have disciplined, educated people in China available to work at 20 or 30 cents an hour, and with corporations having the capability of bringing their Chinese-made products back into this country tariff-free, why would American corporations not shut down their plants in this country and run to China?

□ 1645

It did not take a genius, frankly, to anticipate that that would occur.

Now, Mr. Speaker, General Electric is one of the largest corporations in America, and here is what their CEO Jeffrey Immelt had to say about China at a GE investor meeting on December 6, 2002, and I put it up here on this chart. I think it is so important that the American people really should take a strong look at this statement from the leader, from the CEO of one of the largest corporations in America, and here is what he said: ''When I am talking to GE managers,'' GE is a conglomerate, they have many separate companies, ''When I am talking to GE managers, I talk China, China, China, China, China. You need to be there.'' And then he continues: ''I am a nut on China. Outsourcing from China is going to grow to $5 billion. We are building a tech center in China. Every discussion today has to center on China. The cost basis is extremely attractive.''

In other words, what Mr. Immelt is saying very directly, and virtually every other corporate head is saying, maybe not quite as overtly, is we are packing up, folks, and we are leaving. Why should we pay American workers 15 or 20 bucks an hour? Why should we allow unions to be formed? Why should we obey environmental regulations when we can go to China and have a workforce in which if workers there try to form a union, they go to jail. If they speak up for democratic rights, they go to jail. If they want environmental protection or worker safety, they go to jail. What a fantastic place for Mr. Immelt and his other CEO friends to move to, and that is precisely what they are doing. They are selling out the working people of this country; they are selling out this country entirely.

Should anybody be surprised that Motorola eliminated almost 43,000 American jobs in 2001 while investing over $3 billion in China, or that it plans to invest $10 billion there by the year 2006? Think about your State. Think about your community. Is Motorola building a new factory there? No, they are not. They are off in China.

Who would be shocked that General Electric has thrown hundreds of thousands of American workers out on the street while investing $1.5 billion in China? From 1975 to 1995, GE eliminated 269,000 jobs; and on and on it goes.

IBM signed deals to train 100,000 software specialists in China over 3 years.

Honeywell is moving rapidly to China. Should anyone be surprised that they have built 13 factories in China, or that Ethan Allen furniture has cut jobs at saw mills in America and 17 manufacturing plants, including the State of Vermont, as they move furniture manufacturing to China? And recently, Mr. Speaker, and this is very alarming, very alarming news, General Motors, one of the largest corporations in America, they have announced that they will be investing billions of dollars in China in order to build and manufacture automobile parts. Will this be the beginning of the end of the automobile industry? Will the automobile industry follow so many of the other industries as it shrinks and shrinks, and as our jobs go abroad, good-paying jobs?

Mr. Speaker, as I think many Americans know, just several weeks ago, the chairman of the President's Economic Council, President Bush's economic adviser made the outrageous statement that outsourcing in the long run is good for the United States. Outsourcing is good for the United States. And their report suggested that if products can be built cheaper in other countries, why, that is where they should be manufactured. What a disgrace. So workers who are making today 15 or 20 bucks an hour, well, yes, the products that they manufacture are going to be costing more to produce than when they are made in China by workers making 20 cents an hour. And the President's chief economic adviser says, well, that is where they should be manufactured. I think that is beyond comprehension.

Now, Mr. Speaker, as bad and as frightening and as disastrous as the decline of manufacturing is in the United States, there is another trend which is taking place which might even be more frightening. Now, over the years, from the first President Bush to President Clinton to this President Bush, from corporate America, from newspaper editorials, from defenders of our trade policy here on the floor of the House, what they told us is they said, well, yes, in free trade, unfettered free trade, there are winners and there are losers. Yes, we might lose some of those blue collar factory jobs; but do not worry, America, because while we lose those blue collar factory jobs, we are going to be creating new white collar information technology jobs that pay people much higher wages than those blue collar jobs that we are losing. That is what they told us.

Unfortunately, as the American people are beginning to learn big time, the advocates of unfettered free trade are wrong again. We now know that blue collar manufacturing jobs are not the only casualty of unfettered free trade. We now know that we are going to see and are seeing the loss of hundreds and hundreds of thousands of good-paying white-collar information technology jobs, many of them going to India and other countries.

According to Forrester Research, a major consultant on this issue, they said, ''Over the next 15 years, 3.3 million U.S. service industry jobs, $136 billion in wages, will move offshore.'' The information technology industry will lead the initial overseas exodus. Among many other companies moving high-tech jobs abroad is Microsoft, which is spending $750 million over the next 3 years on research and development on outsourcing in China.

Recently, Intel Corporation chairman Andy Grove warned that the U.S. could lose the bulk of its information technology jobs to overseas competitors in the next decade, largely to India and China. In other words, Mr. Speaker, not only has our unfettered free trade cost us much of our textile industry, our footware industry, our apparel industry, our steel industry, our tool and die industry, our electronics industry, our furniture industry, and many other industries. It is now going to cost us millions of high-tech jobs as well.

Mr. Speaker, just last week, I sat down in my office with eight workers from the State of Vermont who work for National Life Insurance Company, and they told me that their jobs and the jobs of many of their colleagues will soon be going to India, and that in the near future, they will be sitting next to Indian workers and training them on how to do their jobs. And that is what is happening throughout America. Corporate America is selling out not only blue collar workers; they are selling out white collar workers.

According to the University of California at Berkeley Business School, let me quote from a study that came out on October 29, 2003. This is the University of California Berkeley Business School: ''A ferocious new wave of outsourcing of white collar jobs is sweeping the United States,'' according to a study published by the University of California Berkeley researchers who say the trend could leave as many as 14 million service jobs in the United States vulnerable. The study also indicates that jobs remaining in the U.S. could be subject to pressure for lower wages.

And why would that be? Well, here are some comparisons between wages in the U.S. and India where a lot of these high-tech jobs are going. In the U.S., a telephone operator earns $12.50 an hour; in India, less than a dollar an hour. A payroll clerk in the U.S. averages $15 an hour, while in India that person makes less than $2 an hour. So what we are beginning to see, what we are beginning to see in occupations such as medical transcription services, stock market research for financial firms, customer service centers, legal online database research, payroll and other back-office activities, what we are now seeing is those jobs, often good-paying jobs, are also heading out of this country.

Now, Mr. Speaker, let me be very clear on several issues. I am not anti-Chinese. I am not anti-Indian. I am not a xenophobe. I am an internationalist. I am more than aware that 1 billion people on this planet live on less than a dollar a day, and I think that the United States and the other countries in the industrialized world have a moral obligation to do everything that we can so that children get the education they need in developing countries, people get the health care and the prescription drugs that they need, that the water that people drink around the world is drinkable. That is our moral obligation. But in order to help poor people around the world, we do not have to destroy the middle class of this country. There are other ways to do that. And ironically, many of these neo-liberal-type approaches are being rejected in Latin America and many other countries around the world because they are not working. The IMF approach, the World Bank approach are being rejected in country after country where governments are being forced to cut back on education, health care, and food subsidies. People do not want to see foreign companies coming in, driving out locally owned manufacturing and their locally owned business.

So the issue is not, do we help poor people around the world. We do. But do we do it in ways that do not destroy the middle class in this country, and I think we can.

The bottom line, Mr. Speaker, is we have got to end the race to the bottom. The goal of our economic policy should be to lift up poor people in the world, not lower the standard of living of American workers. And, Mr. Speaker, that is why, among other things, I have introduced legislation which would terminate, end completely, permanent normal trade relations with China. Trade in itself is a good thing, but it is only a good thing when it works for both sides. The New York Yankees do not trade their number one shortstop for a third-string, minor leaguer and say, well, that is just trade. You trade for equal value. And I believe that the United States has got to negotiate trade agreements with China, India, any country on Earth that work for them and work for us, but that are not one-sided, that work only for the CEOs of large corporations and work against the best interests of the middle class in this country.

Mr. Speaker, when we talk about what is happening to the middle class, when we talk about the loss of decent-paying jobs, when we talk about the growing gap between the rich and the poor, we should also mention something that rarely, rarely gets discussed on the floor of this House.

□ 1700

That is, that the American worker today is now working longer hours than the worker in any other industrialized country. Over the last 30 years, workers in middle-income, married-couple families with children have added an average of 20 weeks at work,

the equivalent of 5 more months. Most of the increase comes from working wives, many more of whom entered the labor market over this period, adding more work, more weeks per year and more hours per year; in fact, middle-incomewise adding close to 500 hours of work per year between 1979 and 2000.

Mr. Speaker, in my State and I believe all over this country, the American people are physically exhausted. They are stressed out because they are working not one job in many instances, but two jobs, occasionally three jobs. According to statistics from the International Labor Organization, the average American last year worked 1,978 hours, up from 1,942 hours in 1990. That is an increase of almost 1 week of work per year. People are working today in order just to earn enough money to pay the bills, and they are becoming exhausted.

Mr. Speaker, I have talked a little bit about what is going on with the middle class and the conversion of our economy from a growing and strengthened middle class, where we did things like manufacture real goods, to a shrinking middle class, where Wal-Mart is now our major employer, but let me now talk about the people who are not even in the middle class, people who are low income. We have got to ask a question about what is happening to the 11 million Americans who are trying to survive on the pathetic minimum wage of $5.15 an hour which exists here in the Congress.

Now, can one imagine at that time, when the President of the United States and the Republican leadership have provided hundreds of billions of dollars in tax breaks to the wealthiest 1 percent, there has not been one word of discussion about raising the minimum wage to a living wage? Tax breaks for billionaires, but allow millions of low-income workers to try to make ends meet on $5.15 an hour? What an outrage.

Mr. Speaker, when we look at our national priorities, we have got to recognize the national shame that in America today poverty is increasing, and we have by far the highest rate of childhood poverty of any major country on Earth. We are a Nation that gives tax breaks to billionaires, but we have 3.5 million people who will experience homelessness in this year, 1.3 million of them children. What kind of priorities is that? What kind of priorities do we establish when millions of senior citizens in America today are unable to afford the outrageously high cost of prescription drugs?

What about veterans, men and women who have put their lives on the line defending this country? Those veterans today, if they walk into a VA hospital or clinic, will more likely than not be placed on a waiting list. Tax breaks for billionaires, but we cannot keep our promises to the veterans of this country, many of whom came back from war wounded in body and wounded in soul, and now this President is attempting to raise premiums for our veterans, attempting to raise the cost of prescription drugs for our veterans. What sense of decency is that? What kind of priorities are that when you say, yeah, if you are a millionaire or a billionaire, we give you a tax break, but if you are a veteran who put your life on the line defending this country, sorry, we just do not have enough money to take care of you?

Mr. Speaker, when we talk about the health care crisis in America, obviously it goes well beyond the problems facing our veterans. We have got to be honest and we have got to acknowledge that our health care system today is in a state of crisis, and we have a lot of information on that issue and on prescription drugs on our Web site, which is www.Bernie.house.gov. The reality in terms of health care is that today 43 million Americans have no health insurance at all, and more and more people are underinsured, higher and higher premiums, higher and higher copayments and higher and higher deductibles.

Mr. Speaker, to my mind, the only solution to the growing crisis in health care, the escalating costs, the fact that more and more people are uninsured or underinsured, is for the United States Government to do what every other industrialized country on Earth has done, and that is establish a national health care system which guarantees health care as a right of citizenship to every man, woman and child. It is morally unacceptable that when a worker loses his or her job, that worker can find himself without any health care, and if injury occurs or an accident occurs, that person can go bankrupt paying off the medical bills, see their credit destroyed and, in some cases, never, ever recover financially from those health care bills.

Either health care is a right of all people, or it is not. Either we provide the best health care in the world to the rich, or we say that everybody in America should have health care through a nonprofit, cost-effective, national health care system.

The irony here, Mr. Speaker, is that some people say, well, that is a great idea, good idea, everybody should have health care; we cannot afford it. Wrong. Our system or our nonsystem today is by far the most wasteful and bureaucratic in the entire world. Mr. Speaker, we spend twice as much per person on health care as do the people of any other country on Earth. It is not that we are not spending enough money, it is that this is a system geared toward profit-making for the insurance companies and for the pharmaceutical industry rather than in providing cost-effective quality care to all of our people.

Study after study have shown that if we move toward a single payer national health care program, we can provide good quality health care to every man, woman and child without spending a nickel more than we are currently spending because we are going to get rid of all of the bureaucracy, and all of the bill collectors, and all of the advertising and all of the CEOs making exorbitant salaries. We are going to put health care dollars into health care.

Some people may say, well, Bernie, you know, good idea, but you are way out of touch with the American people; they like the current system. Wrong. Absolutely wrong. A recent ABC poll indicated that 62 percent of our population said that they would favor a system of universal health care financed by the government, paid for by the taxpayers, as opposed to the employer-based system we now have.

The American people want change. They are tired of this irrational, wasteful, bureaucratic health care system which is causing so much pain in America where elderly people cannot even fill the prescriptions their doctors are making, and President Bush's Medicare proposal is not going to help them; where people today are getting sick, and they cannot walk into a doctor's office because they cannot afford the deductible, and some of those people are dying; where doctors now are telling us that the patients they are seeing are far sicker than used to be the case because people just do not have health insurance.

Mr. Speaker, given the very serious problems facing our country, and especially the middle class, it is appropriate, I think, to ask what President Bush and his administration have done to address some of those problems. What are their priorities? What are they doing to increase wages in America, to expand the middle class, to lower poverty, to make sure that all of our Americans get the health care that they need? I found it ironic that when the President gave his State of the Union Address, he had almost nothing to say about health care, almost nothing at all, and the reason is that he is not doing anything on health care, that he is tied to the insurance companies and the drug companies who make huge contributions for his campaign, for the Republican Party, and, in fact, they are not prepared to address the very serious problems facing the middle class of this country.

Not only has the President and the Republican leadership provided hundreds of billions of dollars in tax breaks for millionaires and billionaires, people who contribute heavily to their campaigns, they are making it now more difficult for workers to join unions and earn higher wages. They have incredibly pushed an agenda which would deny overtime pay to some 8 million Americans. Now at a time when workers are forced to work longer and longer hours, and many of their income depend on that overtime pay, the President wants to deny some 8 million Americans the overtime pay that they are getting today.

Interestingly enough, we are seeing some bipartisan concern about the rapidly escalating deficit, which this year

will be over $500 billion, and our national debt, which is now at $7 trillion. Some of you may have heard the other day that Alan Greenspan, the Chairman of the Fed, he has a response to this growing deficit. Greenspan, who supported hundreds of billions of dollars in tax breaks for the wealthiest people, who supported the President's tax proposal, which in a decade will cost us $1 trillion, he has a solution to the problem. His solution is let us cut Social Security, let us cut Medicare. In other words, tax breaks for billionaires, run up a deficit, and then you deal with the deficit crisis by cutting back on the cost-of-living increases for our seniors in Social Security and in Medicare and making the retirement age when people receive Social Security later and later. I think that is an outrage.

That is why I have asked the President, who appointed Mr. Greenspan to his position, that is why I have asked the President to fire Mr. Greenspan. You do not support policies which give huge tax breaks to the rich, run up the deficit and then tell the elderly and the sick that they are the ones who will have to balance the budget.

We should be very, very clear that these tax breaks, not only are they, in my view, immoral in terms of providing scant resources to people who do not need them, while we have children sleeping out on the street, but, in fact, what they are doing is leaving a terrible legacy for our children and our grandchildren. Think for a moment about the morality of tax breaks for people who do not need it today and telling our kids and grandchildren that they are going to have to pay off that debt either in higher taxes or in cuts in such programs as education, veterans' needs, affordable housing and many other needs facing the middle class.

But, Mr. Speaker, let me tell you something else. I think that there is more behind this than one would initially think, and I think that there is really an ulterior motivation in driving up this deficit, in driving up the national debt, and I think we heard Mr. Greenspan tell us what it is. If this President drives up the national debt, what we will be hearing in years to come is we cannot afford to retain those government services which protect the middle class, protect the seniors, protect the sick, protect the children, protect low-income people.

□ 1715

In my view, Mr. Speaker, this President is the most extreme, reactionary President in the modern history of this country. And I think that he and his right wing friends want to bring us back to the 19th century, when ordinary people had almost no rights at all. I think behind their driving up the national debt is their desire to cut back and eliminate one program after another which the middle class and working families of this country depend upon.

Greenspan now says, well, let us lower COLA benefits for seniors. Let us raise the retirement age. Ultimately, in my view, and I speak only for myself, I think they want to destroy Social Security completely and privatize it. And then, if they are successful, the day will come where if you are a senior citizen and you do not have a lot of money and you did not invest well, or the stock market goes down, you know what, you do not have anything.

I think they want to privatize Medicare, not just cut back. And if they are successful in doing that, what happens if you are a low-income senior who is quite sick? Do you think there are private insurance companies who are going to provide benefits to you? Why? They cannot make any money out of you.

These people want to eliminate the minimum wage. There are dozens and dozens, if not a majority of Republicans on the floor of the House, and Alan Greenspan, I should add, who not only do not want to raise the minimum wage above $5.15 an hour; they want to abolish the minimum wage. Their belief is that if an employer can get somebody to work for them for $2 an hour, government should not be involved.

There are people who want to weaken environmental standards so that our children have to breathe more and more pollution.

Mr. Speaker, let me conclude my remarks by suggesting that if any of the Members here want more information on any of these issues they can find it on my Web site, bernie.house.gov.

TRIBUTE TO ELIZABETH BENSON FORER

The SPEAKER pro tempore (Mr. PEARCE). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I stand to commend a great citizen and a contributing member to the betterment of family life in the greater Los Angeles area. Her name is Elizabeth Benson Forer. She is the chief executive officer and executive director of the Venice Family Clinic.

The Venice Family Clinic is the largest free clinic in the Nation, providing services to 18,500 people in 93 patient visits. Ms. Forer joined the clinic in 1994, and under her leadership, board, staff, and volunteers have doubled the clinic's capacity and capabilities. The budget has gone from $5 million to $14 million and additional sites have been added. Sites most recently in place include a teen clinic on the campus of Culver City High School, a primary care facility located at Mar Vista Gardens, and a public housing project, all sites that she founded.

Ms. Forer holds a Master's degree in Social Work and Public Health from Columbia University. Prior to coming to the Venice Family Clinic, she served for 5 years as executive director of Settlement Health and Medical Services, a nonprofit community health center in east Harlem, New York. She also directed a department at the Metropolitan Hospital in New York City, where her mission was to make the hospital more accessible to local residents.

As Venice Family Clinic's CEO and executive director, she reports to the board of directors, which guides the development of services and fund-raising. She also is responsible for the administration of the clinic's 220-member staff and 1,900 volunteers.

Ms. Forer is currently a board member of the Community Clinic Association of Los Angeles County and the secretary and founding board member of the National Association of Free Clinics. Through these organizations and her direct advocacy work, Ms. Forer is involved at the local, State, and national levels in developing health care legislation and policy initiatives that will help people with low incomes and no health insurance.

Mr. Speaker, I commend Elizabeth Benson Forer for her commendable works and her commitment to families in our greater Los Angeles area.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2005

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEARCE) at 8 o'clock and 5 minutes p.m.

SURFACE TRANSPORTATION EXTENSION ACT OF 2004

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure, the Committee on Ways and Means, the Committee on Science, and the Committee on Resources be discharged from further consideration of the bill (H.R. 3850) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I simply observe that there is included in this legislation a 2-month extension of the existing 5-month extension of the surface

transportation program that will carry us through April 30.

I would ask the chairman, is that right?

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, that is correct.

Mr. OBERSTAR. Further reserving the right to object, the importance of our action here is that without this extension, the current law expires on February 29 at midnight, and that would mean that without this extension of the 5-month extension, Federal Highway Administration employees would be furloughed, Federal Motor Carrier Safety Administration employees would be furloughed, some of the Federal Transit Administration employees would be furloughed, and actions by the States submitted to the Federal Government for funding of projects already under way or completed could not be approved, so State programs would come to a halt and the Federal Government would not be able to reimburse States after February 29. Is that correct?

Mr. YOUNG of Alaska. That is correct.

Mr. OBERSTAR. Mr. Speaker, I yield to the chairman for any further explanation he may have.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this House passed H.R. 3783, the Surface Transportation Extension Act of 2004, which provide for a 4-month extension of the highway construction, highway safety, transit, motor carrier and surface transportation research programs.

This bill provides for a 2-month extension, and includes the best provisions of the House bill and also some provisions sought by the other body. This bill is a bipartisan effort.

I hope this breaks the logjam that is currently in place. I can say to the gentleman from Minnesota, he and I know we should have had the 4 months, but the other body is insisting on 2 months. We made it as clean as possible, and they insisted on 2 months. So now we can possibly get this logjam finished so we can finish this legislation that is crucially important.

I do thank the gentleman for his cooperation on this issue. I am sorry we kept everybody here late tonight; but I cannot run the other body, as much as I would like to. Now we have to get this done so we do not stop our highway programs.

Mr. Speaker, I urge my colleague to help me out and pass this legislation that is badly needed.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I very much appreciate the words of the chairman. Of course, the House has spoken on this subject, but so has the Senate; and we are now doing the practical thing, what we can do, and that is to extend the program for another 2 months, which we know is likely to be revisited before the end of April.

However, this will give us time to proceed with the legislation pending in our committee and that we have been working on in a bipartisan fashion to do the right thing, to carry the surface transportation program forward and carry T–LU into the future.

So, again, I say to my colleagues on this side of the aisle, this is a bipartisan product. We are fully satisfied that the law is fully complied with, that there are no surprises in this legislation, that it is a straightforward extension of the extension, and we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Surface Transportation Extension Act of 2004''.

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 104 note; 117 Stat. 1110) is amended by inserting ''and the Surface Transportation Extension Act of 2004'' after ''as amended by this Act''.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) ADMINISTRATION OF FUNDS.—Section 2(b)(3) of such Act (117 Stat. 1110) is amended by striking ''the amendment made under subsection (d)'' and inserting ''section 1101(c) of the Transportation Equity Act for the 21st Century''.

(2) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act is amended by striking ''$1,166,666,667'' and inserting ''$1,633,333,333''.

(3) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking ''February 29'' inserting ''April 30''.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(c)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1111) is amended by striking ''$13,483,458,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$18,876,841,666 for the period of October 1, 2003, through April 30, 2004''.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111) is amended to read as follows:

''(e) LIMITATION ON OBLIGATIONS.—

''(1) DISTRIBUTION OF OBLIGATION AUTHORITY.—Subject to paragraph (2), for the period of October 1, 2003, through April 30, 2004, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading 'FEDERAL-AID HIGHWAYS' in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108–199) in accordance with section 110 of such Act; except that the amount of obligation limitation to be distributed for such period for each program, project, and activity specified in sections 110(a)(1), 110(a)(2), 110(a)(4), 110(a)(5), and 110(g) of such Act shall equal the greater of—

''(A) the funding authorized for such program, project, or activity in this Act and the Surface Transportation Extension Act of 2004 (including any amendments made by this Act and such Act); or

''(B) 7/12 of the funding provided for or limitation set on such program, project, or activity in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108–199).

''(2) LIMITATION ON TOTAL AMOUNT OF AUTHORITY DISTRIBUTED.—The total amount of obligation limitation distributed under paragraph (1) for the period of October 1, 2003, through April 30, 2004, shall not exceed $19,741,750,000; except that this limitation shall not apply to $372,750,000 in obligations for minimum guarantee for such period.

''(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—After April 30, 2004, no funds shall be obligated for any Federal-aid highway program project until the date of enactment of a law reauthorizing the Federal-aid highway program.

''(4) TREATMENT OF OBLIGATIONS.—Any obligation of obligation authority distributed under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2004 for the purposes of the matter under the heading 'FEDERAL-AID HIGHWAYS' in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004.''.

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

Section 3 of the Surface Transportation Extension Act of 2003 (117 Stat. 1112–1113) is amended by adding at the end the following:

''(e) PROHIBITION OF TRANSFERS.—Notwithstanding any other provision of this section, no funds may be transferred after February 29, 2004, by a State under subsection (a)—

''(1) from amounts apportioned to the State for the congestion mitigation and air quality improvement program; and

''(2) from amounts apportioned to the State for the surface transportation program and that are subject to any of paragraphs (1), (2), and (3)(A)(i) of section 133(d) of title 23, United States Code.''.

SEC. 4. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2003 (117 Stat. 1113) is amended by striking ''$187,500,000'' and inserting ''$262,500,000''.

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA–21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 117 Stat. 1113) is amended—

(i) in the first sentence by striking ''$114,583,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$160,416,667 for the period of October 1, 2003, through April 30, 2004''; and

(ii) in the second sentence by striking ''$5,416,667'' and inserting ''$7,583,333''.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking ''$102,500,000 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$143,500,000 for the period of October 1, 2003, through April 30, 2004''.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking ''$68,750,000 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$96,250,000 for the period of October 1, 2003, through April 30, 2004'' .

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking ''$8,333,333 for the period of October 1, 2003, through February 29,

2004'' and inserting ''$11,666,667 for the period of October 1, 2003, through April 30, 2004''.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 117 Stat. 1114) is amended by striking ''$58,333,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$81,666,667 for the period of October 1, 2003, through April 30, 2004''.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking ''$15,833,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$22,166,667 for the period of October 1, 2003, through April 30, 2004''.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2003 (117 Stat. 1114) is amended—

(i) in clause (i) by striking ''$4,166,667'' and inserting ''$5,833,333'';

(ii) in clause (ii) by striking ''$2,083,333'' and inserting ''$2,916,667''; and

(iii) in clause (iii) by striking ''$2,083,333'' and inserting ''$2,916,667''.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 117 Stat. 1114) is amended by striking ''$11,458,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$16,041,666 for the period of October 1, 2003, through April 30, 2004'' .

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking ''$4,583,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$6,416,667 for the period of October 1, 2003, through April 30, 2004''.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking ''$2,083,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$2,916,667 for the period of October 1, 2003, through April 30, 2004''.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking ''$45,833,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$64,166,667 for the period of October 1, 2003, through April 30, 2004''.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 117 Stat. 1114) is amended by striking ''$208,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$291,667 for the period of October 1, 2003, through April 30, 2004''.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 117 Stat. 1114) is amended by striking ''$10,416,667 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$14,583,333 for the period of October 1, 2003, through April 30, 2004''.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(F) and inserting the following:

''(F) $81,666,666 for the period of October 1, 2003, through April 30, 2004.'';

(B) in subsection (a)(2) by striking ''$833,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$1,166,667 for the period of October 1, 2003, through April 30, 2004''; and

(C) in the item relating to fiscal year 2004 in table contained in subsection (c) by striking ''$1,083,333,333'' and inserting ''$1,516,666,667''.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 117 Stat. 1115) is amended by striking ''$43,750,000 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$61,250,000 for the period of October 1, 2003, through April 30, 2004''.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 117 Stat. 1115) is amended by striking ''$22,916,667 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$32,083,334 for the period of October 1, 2003, through April 30, 2004''.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking ''$8,750,000 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$12,250,000 for the period of October 1, 2003, through April 30, 2004''.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking ''$12,916,667 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$18,083,333 for the period of October 1, 2003, through April 30, 2004''.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking ''$47,916,667 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$67,083,334 for the period of October 1, 2003, through April 30, 2004''.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 117 Stat. 1116) is amended by striking ''$51,666,667 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$72,333,334 for the period of October 1, 2003, through April 30, 2004''.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 117 Stat. 1116) is amended by striking ''$11,250,000 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$15,750,000 for the period of October 1, 2003, through April 30, 2004''.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1116) is amended by striking ''$100,000,000 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$140,000,000 for the period of October 1, 2003, through April 30, 2004''.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1116) is amended by striking ''$15,166,667 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$21,233,333 for the period of October 1, 2003, through April 30, 2004''.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116) is amended by striking ''$7,833,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$10,966,666 for the period of October 1, 2003, through April 30, 2004''.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117) is amended by striking ''$208,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$291,667 for the period of October 1, 2003, through April 30, 2004''.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117) is amended—

(1) by striking ''$41,666,667'' and inserting ''$58,333,333''; and

(2) by striking ''February 29'' and inserting ''April 30''.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117) is amended—

(1) by striking ''$41,666,667'' and inserting ''$58,333,333''; and

(2) by striking ''February 29'' and inserting ''April 30''.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117) is amended by striking ''$312,500 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$437,500 for the period of October 1, 2003, through April 30, 2004''.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118) is amended—

(1) by striking ''$2,187,500'' and inserting ''$3,062,500'';

(2) by striking ''$104,167'' and inserting ''$145,833''; and

(3) by striking ''February 29'' each place it appears and inserting ''April 30''.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118) is amended—

(1) in paragraph (1) by striking ''$4,166,667 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$5,833,333 for the period of October 1, 2003, through April 30, 2004''; and

(2) in paragraph (2) by striking ''$4,166,667 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$5,833,333 for the period of October 1, 2003, through April 30, 2004''.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2003 (117 Stat. 1118) is amended—

(1) by inserting ''and section 5 of the Surface Transportation Extension Act of 2004'' after ''this section'' the first place it appears; and

(2) by inserting ''or the amendment made by section 4(a)(1) of such Act'' before the period at the end.

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (117 Stat. 1119) is amended—

(1) by inserting ''and section 5 of the Surface Transportation Extension Act of 2004'' after ''but for this section'';

(2) by striking ''both'';

(3) by striking ''and by this section'' and inserting '', by this section, and by section 5 of such Act''; and

(4) by inserting ''and by section 5 of such Act'' before the period at the end.

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (117 Stat. 1119) is amended by inserting ''and section 5 of the Surface Transportation Extension Act of 2004'' after ''this section''.

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking ''$46,666,667 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$65,333,333 for the period of October 1, 2003, through April 30, 2004''.

(b) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking ''$50,000,000 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$70,000,000 for the period of October 1, 2003, through April 30, 2004''.

SEC. 7. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c)(6)of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

''(6) $5,833,333 for the period of October 1, 2003, through April 30, 2004;''.

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

''(4) FIRST 7 MONTHS OF FISCAL YEAR 2004.—For the period of October 1, 2003, through

April 30, 2004, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $47,833,333, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

''(A) $5,833,333 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

''(B) $4,666,667 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

''(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.''.

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking ''$2,083,333'' and inserting ''$2,916,667''; and

(2) by striking ''$833,333'' and inserting ''$1,166,667''.

SEC. 8. TECHNICAL AMENDMENTS.

(a) HIGHWAY SAFETY GRANTS.—

(1) IN GENERAL.—Title I of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108–199) is amended by inserting before the period at the end of the matter under the heading ''NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, HIGHWAY TRAFFIC SAFETY GRANTS'' the following: '': *Provided further*, That not to exceed $2,600,000 of the funds subject to allocation under section 157 of title 23, United States Code, and not to exceed $2,600,000 of the funds subject to apportionment under section 163 of that title, shall be available to the National Highway Traffic Safety Administration for administering highway safety grants under those sections''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 24, 2004.

(b) FEDERAL HIGHWAY ADMINISTRATION.—Section 110(g) of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108–199) is amended by adding at the end the following: ''Obligation authority shall be available until used and in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.''.

SEC. 9. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''February 29, 2004'' and inserting ''April 30, 2004'';

(B) in subparagraph (A), by inserting '', except for the period beginning on October 1, 2003, and ending on April 30, 2004, during which $699,642,775 will be available'' after ''modernization'';

(C) in subparagraph (B), by inserting '', except for the period beginning on October 1, 2003, and ending on April 30, 2004, during which $767,657,109 will be available'' before the semicolon; and

(D) in subparagraph (C), by inserting '', except for the period beginning on October 1, 2003 and ending on April 30, 2004, during which $352,110,220 will be available'' after ''facilities'';

(2) by amending paragraph (2)(B)(iii) to read as follows:

''(iii) OCTOBER 1, 2003 THROUGH APRIL 30, 2004.—Of the amounts made available under paragraph (1)(B), $6,066,667 shall be available for the period beginning on October 1, 2003, and ending on April 30, 2004, for capital projects described in clause (i).'';

(3) in paragraph (3)(B)—

(A) by striking ''$1,250,000'' and inserting ''$1,750,000''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''; and

(4) in paragraph (3)(C)—

(A) by striking ''$20,833,334 shall be available'' and inserting ''$28,994,583 shall be transferred to and administered under section 5309 for buses and bus facilities''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''.

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 8(b)(1) of the Surface Transportation Extension Act of 2003 (49 U.S.C. 5337 note) is amended by striking ''February 29, 2004'' and inserting ''April 30, 2004''.

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking ''FEBRUARY 29, 2004'' and inserting ''APRIL 30, 2004'';

(2) in paragraph (2)(A)(vi)—

(A) by striking ''$1,292,948,344'' and inserting ''$1,780,963,287''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004'';

(3) in paragraph (2)(B)(vi)—

(A) by striking ''$323,459,169'' and inserting ''$445,240,822''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''; and

(4) in paragraph (2)(C) by striking ''February 29, 2004'' and inserting ''April 30, 2004''.

(d) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2003 (117 Stat. 1122) is amended to read as follows:

''(d) ALLOCATION OF FORMULA GRANT FUNDS FOR OCTOBER 1, 2003, THROUGH APRIL 30, 2004.—Of the aggregate of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, for the period of October 1, 2003, through April 30, 2004—

''(1) $ 2,812,446 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

''(2) $28,994,583 shall be available for bus and bus facilities grants under section 5309 of such title;

''(3) $52,568,804 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

''(4) $139,526,367 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title;

''(5) $4,030,247 shall be available to provide financial assistance in accordance with section 3038(g) of the Transportation Equity Act for the 21st Century; and

''(6) $1,998,271,661 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.''.

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''FEBRUARY 29, 2004'' and inserting ''APRIL 30, 2004'';

(2) in subparagraph (A)(vi)—

(A) by striking ''$1,022,503,342'' and inserting ''$1,819,410,104''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''; and

(3) in subparagraph (B)(vi)—

(A) by striking ''$255,801,669'' and inserting ''$363,882,021''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''.

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''FEBRUARY 29, 2004'' and inserting ''APRIL 30, 2004'';

(2) in subparagraph (A)(vi)—

(A) by striking ''$24,636,667'' and inserting ''$33,981,652''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''; and

(3) in subparagraph (B)(vi)—

(A) by striking ''$6,100,000'' and inserting ''$8,350,440''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''.

(g) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''FEBRUARY 29, 2004'' and inserting ''APRIL 30, 2004'';

(2) in subparagraph (A)(vi)—

(A) by striking ''$16,536,667'' and inserting ''$24,471,428''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004'';

(3) in subparagraph (B)(vi)—

(A) by striking ''$4,095,000'' and inserting ''$6,262,830''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''; and

(4) in subparagraph (C) by striking ''February 29, 2004'' and inserting ''April 30, 2004''.

(h) RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2003 is amended to read as follows:

''(h) ALLOCATION OF RESEARCH FUNDS FOR OCTOBER 1, 2003, THROUGH APRIL 30, 2004.—Of the funds made available by or appropriated under section 5338(d)(2) of title 49, United States Code, for the period of October 1, 2003, through April 30, 2004—

''(1) not less than $3,044,431 shall be available for providing rural transportation assistance under section 5311(b)(2) of such title;

''(2) not less than $4,784,106 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

''(3) not less than $4,784,106 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than $579,892 to carry out section 5315(a)(16) of such title; and

''(4) any amounts not made available under paragraphs (1) through (3) shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322 of such title.''.

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''FEBRUARY 29, 2004'' and inserting ''APRIL 30, 2004'';

(2) in subparagraph (A)—

(A) by striking ''$2,020,833'' and inserting ''$2,783,480''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004'';

(3) in subparagraph (B)—

(A) by striking ''$505,833'' and inserting ''$695,870''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''; and

(4) in subparagraph (C) by striking ''February 29, 2004'' each place it appears and inserting ''April 30, 2004''.

(j) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2003 is amended to read as follows:

''(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

''(1) IN GENERAL.—Of the amounts made available under section 5338(e)(2)(A) of title

49, United States Code, for the period October 1, 2003, through April 30, 2004—

''(A) $994,100 shall be available for the center identified in section 5505(j)(4)(A) of such title; and

''(B) $994,100 shall be available for the center identified in section 5505(j)(4)(F) of such title.

''(2) TRAINING AND CURRICULUM DEVELOPMENT.—Notwithstanding section 5338(e)(2) of title 49, United States Code, any amounts made available under such section for the period October 1, 2003, through April 30, 2004, that remain after distribution under paragraph (1), shall be available for the purposes specified in section 3015(d) of the Transportation Equity Act for the 21st Century (112 Stat. 857).''.

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857) is amended by striking ''February 29, 2004'' and inserting ''April 30, 2004''.

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''FEBRUARY 29, 2004'' and inserting ''APRIL 30, 2004'';

(2) in subparagraph (A)(vi)—

(A) by striking ''$24,585,834'' and inserting ''$35,025,457''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''; and

(3) in subparagraph (B)(vi)—

(A) by striking ''$6,150,833'' and inserting ''$8,756,364''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''.

(l) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Federal Transit Act of 1998 (49 U.S.C. 5309 note) is amended—

(1) in paragraph (1)(A)(vi)—

(A) by striking ''$50,519,167'' and inserting ''$57,989,167''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004'';

(2) in paragraph (1)(B)(vi)—

(A) by striking ''$12,638,833'' and inserting ''$14,497,292''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004'';

(3) in paragraph (2) by striking ''February 29, 2004, $4,166,667'' and inserting ''April 30, 2004, $5,798,917''; and

(4) by adding at the end the following:

''(4) TRANSFER IN FISCAL YEAR 2004.—Of the funds made available or appropriated under paragraph (1) for fiscal year 2004, prior to the allocation under paragraph (3), $11,597,833 shall be administered under the provisions of section 5309 of title 49, United States Code.''.

(m) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Federal Transit Act of 1998 (49 U.S.C. 5310 note) is amended—

(1) in paragraph (1)(F)—

(A) by striking ''$2,187,500'' and inserting ''$3,044,431''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''; and

(2) in paragraph (2)—

(A) by striking ''$708,333'' and inserting ''$985,816''; and

(B) by striking ''February 29, 2004'' and inserting ''April 30, 2004''.

(n) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking ''FEBRUARY 29, 2004'' and inserting ''APRIL 30, 2004''; and

(2) in subparagraph (A) by striking ''February 29, 2004'' and inserting ''April 30, 2004'';

(o) OBLIGATION CEILING.—Section 3040(6) of the Federal Transit Act of 1998 (112 Stat. 394) is amended—

(1) by striking ''$3,042,501,691'' and inserting ''$4,238,428,192''; and

(2) by striking ''February 29, 2004'' and inserting ''April 30, 2004''.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Federal Transit Act of 1998 (112 Stat. 361) is amended—

(1) by striking ''February 29, 2004'' and inserting ''April 30, 2004''; and

(2) by striking ''$2,020,833'' and inserting ''$2,812,475''.

(q) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Federal Transit Act of 1998 (49 U.S.C. 322 note) is amended—

(1) by striking ''February 29, 2004,'' and inserting ''April 30, 2004''; and

(2) by striking ''$2,083,333'' and inserting ''$2,812,475''.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373) is amended by striking ''February 29, 2004'' each place it appears and inserting ''April 30, 2004''.

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379) is amended by striking ''February 29, 2004'' each place it appears and inserting ''April 30, 2004''.

(t) TREATMENT OF FUNDS.—Section 8(t) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 101 note) is amended—

(1) by striking ''Amounts'' and inserting the following:

''(1) IN GENERAL.—Amounts'';

(2) by inserting ''and by section 9 of the Surface Transportation Extension Act of 2004'' after ''this section''; and

(3) by adding at the end the following:

''(2) TRANSFERS.—Funds authorized by or made available under this section shall be transferred in accordance with the Consolidated Appropriations Act, 2004, except that only 7/12 of the total amount to be transferred shall be available.''.

(u) LOCAL SHARE.—Section 3011(a) of the Federal Transit Act of 1998 (49 U.S.C. 5307 note) is amended by inserting ''and for the period of October 1, 2003 through April 30, 2004,'' after ''2003,''.

SEC. 10. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119) is amended by striking '', and $68,750,000 for the period of October 1, 2003, through February 29, 2004'' and inserting '', and $96,250,000 for the period of October 1, 2003, through April 30, 2004''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119) is amended by striking ''$30,000,000 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$42,000,000 for the period of October 1, 2003, through April 30, 2004''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS-.—Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by striking ''$8,333,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$11,666,700 for the period of October 1, 2003, through April 30, 2004''.

(d) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by striking ''$16,666,667 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$23,333,300 for the period of October 1, 2003, through April 30, 2004''.

(e) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120) is amended by striking ''$833,333 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$2,100,000 for the period of October 1, 2003, through April 30, 2004''.

SEC. 11. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1120) is amended by striking ''$71,487,500 for the period of October 1, 2003, through February 29, 2004'' and inserting ''$102,467,000 for the period October 1, 2003 through April 30, 2004''.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(7) of title 49, United States Code, is amended to read as follows:

''(7) Not more than $98,352,000 for the period of October 1, 2003, through April 30, 2004.''.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(5) of such title is amended to read as follows:

''(5) $11,639,000 for the period of October 1, 2003, through April 30, 2004.''.

(2) EMERGENCY CDL GRANTS.—Section 7(c) of the Surface Transportation Extension Act of 2003 (117 Stat. 1121) is amended—

(A) by striking ''February 29,'' and inserting ''April 30,''; and

(B) by striking ''$416,667'' and inserting ''$582,000''.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act is amended—

(1) by striking ''$416,667'' and inserting ''$582,000''; and

(2) by striking ''February 29'' and inserting ''April 30''.

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Title I of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108–199) is amended—

(A) by striking ''Fund and to'' in the matter appearing under the heading ''FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, MOTOR CARRIER SAFETY, LIMITATION ON ADMINISTRATIVE EXPENSES'' and inserting ''Fund, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall''; and

(B) by inserting before the period at the end of the matter appearing under the heading ''FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, NATIONAL MOTOR CARRIER SAFETY PROGRAM'' the following: '': *Provided further,* That for grants made to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1764–1765), the Federal share payable under such grants shall be 100 percent''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 24, 2004.

SEC. 12. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA–21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking ''March 1, 2004'' and inserting ''May 1, 2004'',

(B) by striking ''or'' at the end of subparagraph (E),

(C) by striking the period at the end of subparagraph (F) and inserting '', or'',

(D) by inserting after subparagraph (F), the following new subparagraph:

''(G) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004.'', and

(E) in the matter after subparagraph (G), as added by this paragraph, by striking ''Surface Transportation Extension Act of

2003'' and inserting ''Surface Transportation Extension Act of 2004''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking ''March 1, 2004'' and inserting ''May 1, 2004'',

(B) in subparagraph (C), by striking ''or'' at the end of such subparagraph,

(C) in subparagraph (D), by inserting ''or'' at the end of such subparagraph,

(D) by inserting after subparagraph (D) the following new subparagraph:

''(E) the Surface Transportation Extension Act of 2004,'', and

(E) in the matter after subparagraph (E), as added by this paragraph, by striking ''Surface Transportation Extension Act of 2003'' and inserting ''Surface Transportation Extension Act of 2004''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking ''March 1, 2004'' and inserting ''May 1, 2004''.

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2003'' each place it appears and inserting ''Surface Transportation Extension Act of 2004''.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking ''March 1, 2004'' and inserting ''May 1, 2004'', and

(B) by striking ''Surface Transportation Extension Act of 2003'' and inserting ''Surface Transportation Extension Act of 2004''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking ''March 1, 2004'' and inserting ''May 1, 2004''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on April 30, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3850.

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

There was no objection.

APPOINTMENT OF HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MARCH 1, 2004

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 26, 2004.

I hereby appoint the Honorable Frank R. Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through March 1, 2004.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KLECZKA (at the request of Ms. PELOSI) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. GRIJALVA, for 5 minutes, today.

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

SENATE BILL REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 92. Concurrent resolution congratulating and saluting Focus: HOPE on the occasion of its 35th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; to the Committee on Government Reform.

ADJOURNMENT

Mr. YOUNG of Alaska. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, March 1, 2004, at noon.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, Frank W. Ballance, Jr., Cass Ballenger, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Bob Beauprez, Xavier Becerra, Chris Bell, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Leonard L. Boswell, Rick Boucher, Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Henry E. Brown, Jr., Sherrod Brown, Ginny Brown-Waite, Michael C. Burgess, Max Burns, Richard Burr, Dan Burton, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Brad Carson, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, James E. Clyburn, Howard Coble, Tom Cole, Mac Collins, Larry Combest, John Conyers, Jr., Jim Cooper, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy ''Duke'' Cunningham, Artur Davis, Danny K. Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Scott Garrett, Richard A. Gephardt, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Raúl M. Grijalva, Luis V.

Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J.D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Baron P. Hill, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Janklow, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, John Kline, Joe Knollenberg, Jim Kolbe, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Stephen F. Lynch, Denise L. Majette, Carolyn B. Maloney, Donald A. Manzullo, Edward J. Markey, Jim Marshall, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. ''Buck'' McKeon, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C.L. ''Butch'' Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. ''Chip'' Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Timothy J. Ryan, Jim Ryun, Martin Olav Sabo, Linda T. Sánchez, Loretta Sanchez, Bernard Sanders, Max Sandlin, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W.J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, Jim Turner, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C.W. Bill Young, Don Young.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, February 26, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)) (''Act''), I am transmitting on behalf of the Board of Directors of the Office of Compliance the enclosed Second Notice of Proposed Procedural Rule Making for publication in the Congressional Record.

We request that this notice be republished in the Congressional Record. It was first published in the Congressional Record of the House on February 24, 2004. However, the Act specifies that the enclosed Notice be published on the first day on which both Houses are in session following this transmittal. Because the Senate was unable to publish its Notice of these procedural rules on February 24th, we are re-transmitting this Notice to both the House and Senate so that this Notice may be published in the Record of the House and Senate on the same day.

Any inquiries regarding this notice should be addressed to the Office of Compliance, Room LA–200, 110 2nd Street, S.E., Washington, DC 20540; 202–724–9250, TDD 202–426–1912.

Sincerely,

SUSAN S. ROBFOGEL,
Chair.

Attachment.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Second Notice of Proposed Amendments to the Procedural Rules.

Introductory statement:

On September 4, 2003, a Notice of Proposed Amendments to the Procedural Rules of the Office of Compliance was published in the Congressional Record at S11110, and H7944. As specified by the Congressional Accountability Act of 1995 (''Act'') at Section 303(b) (2 U.S.C.1384(b)), a 30 day period for comments from interested parties ensued. In response, the Office received a number of comments regarding the proposed amendments.

At the request of a commenter, for good reason shown, the Board of Directors extended the 30 day comment period until October 20, 2003. The extension of the comment period was published in the Congressional Record on October 2, 2003 at H9209 and S12361.

On October 15, 2003, an announcement that the Board of Directors intended to hold a hearing on December 2, 2003 regarding the proposed procedural rule amendments was published in the Congressional Record at H9475 and S12599. On November 21, 2003, a Notice of the cancellation of the December 2, 2003 hearing was published in the Congressional Record at S15394 and H12304.

The Board of Directors of the Office of Compliance has determined to issue this Second Notice of Proposed Amendment to the Procedural Rules, which includes changes to the initial proposed amendments, together with a brief discussion of each proposed amendment. As set forth in greater detail herein below, interested parties are being afforded another opportunity to comment on these proposed amendments.

The complete existing Procedural Rules of the Office of Compliance may be found on the Office's web site: www.compliance.gov.

How to submit comments:

Comments regarding the proposed amendments to the Rules of Procedure of the Office of Compliance set forth in this NOTICE are invited for a period of thirty (30) days following the date of the appearance of this NOTICE in the Congressional Record. In addition to being posted on the Office of Compliance's section 508 compliant web site (www.compliance.gov), this NOTICE is also available in the following alternative formats: Large Print, Braille. Requests for this NOTICE in an alternative format should be made to: Bill Thompson, Executive Director, or Alma Candelaria, Deputy Executive Director, Office of Compliance, at 202–724–9250 (voice) or 202–426–1912 (TDD).

Submission of comments must be made in writing to the Executive Director, Office of Compliance, 110 Second Street, S.E., Room LA–200, Washington, D.C. 20540–1999. It is requested, but not required, that an electronic version of any comments be provided on an accompanying computer disk. Comments may also be submitted by facsimile to the Executive Director at 202–426–1913 (a non-toll-free number.) Those wishing to receive confirmation of the receipt of their comments are requested to provide a self-addressed, stamped post card with their submission.

Copies of submitted comments will be available for review on the Office's web site at www.compliance.gov, and at the Office of Compliance, 110 Second Street, S.E., Washington, D.C. 20540–1999, on Monday through Friday (non-Federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure generally establish the process by which alleged violations of the laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the procedures for processing Occupational Safety and Health investigations and enforcement, as well as the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint under all of the statutes applied by

the Act, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for the filing of an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These proposed amendments to the Rules of Procedure are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

How to read the proposed amendments:

The text of the proposed amendments shows [deletions within brackets], *and added text in italic.* Textual additions which have been made for the first time in this second notice of the proposed amendments ***are shown as italicized bold.*** Textual deletions which have been made for the first time in this second notice of the proposed amendments [[are bracketed with double brackets.]] Only subsections of the rules which include proposed amendments are reproduced in this notice. The insertion of a series of small dots (. . . . .) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of stars (* * * * *) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not proposed to be amended, please access the Office of Compliance web site at www.compliance.gov.

PROPOSED PROCEDURAL RULE AMENDMENTS

PART I—OFFICE OF COMPLIANCE

Office of Compliance Rules of Procedure

As Amended—February 12, 1998 (Subpart A, section 1.02, ''Definitions''), and as proposed to be amended in 2004.

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* * * * *

§1.03 Filing and Computation of Time.

(a) Method of Filing. Documents may be filed in person or by mail, including express, overnight and other expedited delivery. *When specifically authorized by the Executive Director,* ***or by the Board of Directors in the case of an appeal to the Board,*** *any document may also be filed by electronic transmittal in a designated format.* Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. . . . .

Discussion: The electronic filing option is in addition to existing filing procedures, and represents the decision of this agency to begin to explore the process of migration toward electronic filing. In response to comments, the Board has added Board of Directors authorization authority to ensure that the Executive Director cannot unilaterally assume Board authority regarding a matter pending before the Board. Because of limits in available technology, it will remain necessary to designate a particular format for electronic transmittal. Requiring a designated format does not impose an undue burden, since electronic filing is not required. Stipulating a web address and system for confirmation of receipt of electronic transmittal is not appropriate for a formal rule, since all documents will not necessarily be filed at the same address, and not all filing requires proof of receipt. Not including such information also better safeguards the security of document filing.

(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or filed by express mail or other forms of expedited delivery in which proof of [[delivery to]] ***date of receipt by*** *the addressee is provided.*

Discussion: Section 1.03(a)(2)(i) permits ''other expedited delivery'' of documents being filed for which proof of delivery is not required. However, there is no similar provision with regard to certified mail, return receipt requested. Such a service method is specifically required in Sections 2.03(l), 2.04(i), and 5.01(e). Particularly in view of the lengthened time required to process mail through the U.S. Postal Service since 9–11, the Board has determined that additional flexibility in the use of other mail delivery services is also needed as an alternative to certified mail, return receipt requested.

* * * * *

1.05 Designation of Representative.

AMENDMENT DELETED (a) An employee, other charging individual or party, a witness, a labor organization, an employing office, an entity alleged to be responsible for correcting a violation wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney. [[*During the period of counseling and mediation, upon the request of a party, if the Executive Director concludes that a representative of an employee, of a charging party, of a labor organization, of an employing office, or of an entity alleged to be responsible for correcting a violation has a conflict of interest, the Executive Director may, after giving the representative an opportunity to respond, disqualify the representative. In that event, the period for counseling or mediation may be extended by the Executive Director for a reasonable time to afford the party an opportunity to obtain another representative.*]]

Discussion: Upon further consideration, the Board has deleted this proposed amendment. The Board does not agree with the assertion by a commenter that the current version of this rule is in excess of the authority of this Board under the Act.

* * * * *

2.03 Counseling.

(a) Initiating a Proceeding; Formal Request for Counseling. In order to initiate a proceeding under these rules, an employee shall [formally] *file a written* request *for* counseling [from] *with* the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All [formal] requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

Discussion: The purpose of this amendment is to delete the undefined term ''formal'', and require simply that the request be made in written form. Several commenters suggested that institution of a requirement that the counseling request be in writing would constitute a ''waiver'' of the statutory requirement of absolute confidentiality in counseling mandated by section 416(a) of the Act. Requiring a written counseling request does not constitute or suggest a ''waiver'' of confidentiality in any way. Such a waiver may only occur when ''the Office and a covered employee . . . agree to notify the employing office of the allegations.'' 2 U.S.C. 1416(a). The process for such a waiver is set out in the existing Procedural Rules at section 2.03(e)(2), which requires a written waiver form. A written request for counseling is an entirely different document.

. . . . .

(c) When, How, and Where to Request Counseling. A [formal] request for counseling *must be in writing, and* [: (1)] shall be [made] *filed with the Office of Compliance at Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; [[telephone 202–724–9250;]] FAX 202–426–1913; TDD 202–426–1912*, not later than 180 days after the alleged violation of the Act.[; (2) may be made to the Office in person, by telephone, or by written request; (3) shall be directed to: Office of Compliance, Adams Building, Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912.]

Discussion: This amendment conforms to the requirement that a written request for counseling must be filed with the Office.

. . . . .

(l) Conclusion of the Counseling Period and Notice. The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested, *or by personal delivery* ***evidenced by a written receipt.*** The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

Discussion: This amendment reflects the provision of flexibility to the Office in providing notice. In response to comments, we have added the requirement for appropriate documentation in the case of personal delivery. A suggestion that a copy of the end of counseling notice be served on ''opposing counsel'' would cause a violation of the confidentiality requirement for counseling required by section 416(a) of the Act, and would contradict the non-adversarial nature of counseling.

. . . . .

(m) Employees of the Office of the Architect of the Capitol and the Capitol Police.

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The term 'grievance procedures' refers to internal procedures of the Architect of the Capitol and the Capitol Police that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act and by agreement with the Architect of the Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

. . . . .

(ii) After having contacted the Office and having utilized the grievance procedures of the Architect of the Capitol or of the Capitol Police Board, the employee may notify the Office that he or she wishes to return to the procedures under these rules: (A) within [10] *60* days after the expiration of the period recommended by the Executive Director, if the matter has not [[been resolved]] ***resulted in a final decision***; or (B) within 20 days after service of a final decision resulting from the grievance procedures of the Architect of the Capitol or the Capitol Police Board.

(iii) The period during which the matter is pending in the internal grievance procedure shall not count against the time available for counseling or mediation under the Act. If the grievance is resolved to the employee's satisfaction, ***the employee shall so notify the Office within 20 days after the employee has received service of the final decision resulting from the grievance procedure.*** [[or i]] ***I***f no request to return to the procedures under these rules is received within [[the applicable time period]] ***60 days after the expiration of the period recommended by the Executive Director***, the Office will [[consider the case to be closed in its official files]] ***issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.***

Discussion: The amendment reflects the Board's conclusion that controversies referred to agency grievance procedures may be close to disposition at or near the end of the stipulated referral period. In such circumstances, the requirement for a return by the employee to the Office's procedures within 10 days can actually have the effect of disrupting the completion of the grievance process. Therefore, the Board proposes an extension of that time frame to 60 days. The time during which a controversy has been referred to an agency grievance proceeding assumes that there will have been joinder of issues between the employee and the employing office. Certainly, there can be no doubt that the employing office has been placed on notice of the existence of the controversy. The amended proposal ensures that the employee will not be penalized by reason of an employing office's failure to process a grievance in a timely manner by stipulating that the Office will issue an end of counseling Notice to the parties 60 days after the end of the referral period. A commenter's suggestion that the referral time frame unlawfully extends counseling beyond the 30 day maximum period ignores section 401 of the Act, which specifically stipulates that all time during which a matter is referred to the grievance procedures of the Architect of the Capitol or the Capitol Police ''shall not count against the time available for counseling or mediation.'' Issuing a Notice of End of Counseling is preferable to administrative closure of a case, since the closure may penalize an employee who is still waiting for the employing office to issue a final decision.

* * * * *

2.04 Mediation.

. . . . .

(e) Duration and Extension.

(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint *written* request of the parties ***or of the appointed mediator on behalf of the parties*** *to the attention of the Executive Director*. The request [may be oral or] *shall be* written and [shall be noted and] filed with the Office no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Request for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

Discussion: The amendment assures that an adequate record of such a request be made. In response to comments, the Board has added language allowing the assigned mediator to submit the request on behalf of the parties.

. . . . .

(i) Conclusion of the Mediation Period and Notice. If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, *or will be [hand]* ***personally*** *delivered*, ***evidenced by a written receipt***, and it will also notify the employee of his or her right to elect to file a complaint with the Office in accordance with section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

Discussion: The purpose of this amendment is to reflect the provision of the flexibility of personal delivery. In response to comments, the Board has also formalized the requirement that proof of delivery be evidenced by a written receipt.

* * * * *

2.06 Filing of Civil Action.

. . . . .

(c) Communication Regarding Civil Actions Filed with District Court. [(1)] The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act [should simultaneously provide a copy of the complaint] ***shall provide a written notice*** *to the Office* ***that the party has filed a civil action, specifying the district court in which the civil action was filed and the case number.***

Discussion: The Office has the responsibility to be aware of judicial applications and interpretations of the Act. In this regard, see also proposed rule 9.06. In response to comments, the Board has replaced the proposed requirement that a copy of the complaint be provided, with a notice of filing of a civil action. The Office also intends to include notice of this requirement in its Notice of End of Mediation.

AMENDMENT DELETED: [[(2) No party to any civil action referenced in paragraph (1) shall request information from the Office regarding the proceedings which took place pursuant to sections 402 or 403 related to said civil action, unless said party notifies the other party(ies) to the civil action of the request to the Office. The Office will determine whether the release of such information is appropriate under the Act and the Rules of Procedure.]]

Discussion: Upon further consideration, the Board has deleted this proposed amendment.

* * * * *

§4.16 Comments on Occupational Safety and Health Reports. [[The General Counsel will provide to responsible employing office(s) a copy of

any report issued for general distribution not less than seven days prior to the date scheduled for its issuance. If a responsible employing office wishes to have its written comments appended to the report, it shall submit such comments to the General Counsel no later than 48 hours prior to the scheduled issuance date. The General Counsel shall either include the written comments without alteration as an appendix to the report, or immediately decline the request for their inclusion. If the General Counsel declines to include the submitted comments, the employing office(s) may submit said denial to the Board of Directors which, in its sole discretion, shall review the matter and issue a final and non-appealable decision solely regarding inclusion of the employing office(s) comments prior to the issuance of the report. Submissions to the Board of Directors in this regard shall be made expeditiously and without regard to the requirements of subpart H of these rules. In no event shall the General Counsel be required by the Board to postpone the issuance of a report for more than five days.]] ***With respect to any report authorized under section 215(c)(1) or 215(e)(2) of the Act that is intended by the General Counsel for general public distribution, the General Counsel shall, before making such general public distribution, first transmit a copy thereof to the responsible employing office(s), together with a notification that the employing office(s) has 10 days within which to submit any written comments that it wishes to be appended in their entirety as an appendix to the report. In the event the General Counsel declines to append to the report timely submitted comments of an employing office, the General Counsel shall not issue the report for general public distribution, and will promptly notify that office in writing of the basis for such declination. Upon written request to the Board of Directors submitted by the employing office within 10 days of the date of notification of declination by the General Counsel, with a copy thereof served on the General Counsel, the Board of Directors shall promptly review the matter, including any submission filed by the General Counsel within 10 days of the employing office's request, and issue a final and non-appealable decision determining the issue of inclusion of the employing office's comments prior to the general public distribution of the report. In no event shall the General Counsel be required by the Board to delay issuance of a report covered by this procedure for more than 15 days after the employing office's request for review is submitted to the Board of Directors.***

Discussion: The proposed amendment, as reworded, provides a mechanism for employing office comments to be appended to reports issued by the General Counsel regarding Occupational Safety and Health inspections. The Board has amended the proposal to clarify further the categories of OSH reports resulting from inspection requests. The Board has extended the time periods within which the dispute resolution procedure takes place. The Board has also added a requirement that any General Counsel declination must be provided in writing to the employing office.

* * * * *

§5.03 Dismissal, Summary Judgment, and Withdrawal of Complaints.

. . . . .

(d) Summary Judgment. A Hearing Officer may, after notice and an opportunity ***for the parties to address the question of summary judgment,*** *[[to respond,]] issue summary judgment on some or all of the complaint.*

([d]e) Appeal. A [dismissal] *final decision* by the Hearing Officer made under section 5.03(a)–(c) or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01. ***A final decision under section 5.03(a)–(c) which does not resolve all of the claims or issues in the case(s) before the Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these rules, except as authorized pursuant to section 7.13 of these rules.***

([e]*f*) . . . . .

([f]*g*) . . . . .

Discussion: Hearing Officers have plenary authority to conduct hearings and make final decisions, including summary judgment, pursuant to section 405 of the Act. The amendments more adequately reflect the existing authority of Hearing Officers. In response to a comment, the Board has included the requirement that the parties be given the opportunity to address the issue. The Board has also addressed the circumstance of a partial disposition of a case.

* * * * *

§7.02 Sanctions

(a) The Hearing Officer may impose sanctions on a party's representative [[for inappropriate or unprofessional conduct]] ***necessary to regulate the course of the hearing.***

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

([a]*1*) Failure to Comply with an Order. When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

([1]*a*) . . . . .

([2]*b*) . . . . .

([3]*c*) . . . . .

([4]*d*) . . . . .

Discussion: In response to comments, and upon further consideration, the Board has amended this proposal to better reflect existing statutory authority. Section 556(c)(5) of the Administrative Procedure Act, referenced in section 405(d)(3) of the Act, specifically authorizes a presiding official to ''regulate the course of the hearing''. The amendment authorizes a Hearing Officer to carry out that responsibility when required by a representative's conduct.

* * * * *

§8.01 Appeal to the Board.

. . . . .

(b)(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief in accordance with section 9.01 of these rules. That brief shall identify with particularity those findings or conclusions in the decision and order that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a reply brief.

(3) Upon ***written*** *delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any* ***post-petition for review*** *document or submission with the Board* ***in any case in which the Executive Director has not rendered a determination on the merits.*** *Such delegation shall continue until revoked by the Board.*

. . . . .

Discussion: The amendment authorizes the Executive Director to perform the ministerial act of granting extensions of time in which to file documents when specifically authorized to do so by the Board. In response to comments, the Board has required written delegation of authority, and has limited that delegation to submissions after a petition for review has been filed. The Board has also prohibited such a delegation in any case in which the Executive Director has issued a determination on the merits in the underlying proceeding.

* * * * *

§9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) Filing with the Office; Number. One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer *or other* ***matter or*** *determination reviewable by the Board* files an appeal with the Board, one original and seven copies of both any appeal brief and any responses must be filed with the Office. *The Officer, Hearing Officer, or Board may also [[require]]* ***request*** *a party to submit an electronic version of any submission on a disk in a designated format.*

. . . . .

Discussion: The addition of ''other matter or determination reviewable by the Board'' is intended to address: collective bargaining representation decisions made pursuant to Part 2422 of the Office of Compliance Rules regarding labor-management relations, negotiability determinations made pursuant to Part 2424 of the same Rules, review of arbitration awards under Part 2425 of the same Rules, determination of bargaining consultation rights under Part 2426 of the same Rules, requests for general statements of policy or guidance under Part 2427 of the same Rules, enforcement of standards of conduct decisions and orders by the Assistant Secretary of Labor for Labor Management Relations pursuant to Part 2428 of the same Rules, and determinations regarding collective bargaining impasses pursuant to Part 2470 of the same Rules. The term ''matter'' was included by the Board on further consideration, because some of the procedures referenced in the labor-management relations Rules are addressed to the Board in the first instance. Submission by electronic version is in addition to the existing methods for filing submissions. This addition reflects the decision of this agency to begin exploring the process of migration toward electronic filing. Because of limits in available technology, it remains necessary to designate a particular format for electronic disk transmittal. In response to comments, the Board has amended the proposal to allow for a ''request'' rather than a requirement. The availability of submissions on disk, particularly of lengthy documents, can save the Office time and expense in handling such documents.

* * * * *

§9.03 Attorney's fees and costs.

(a) Request. No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. *All motions for attorney's fees and costs shall be submitted to the Hearing Officer.* [The Board or t] *T*he Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion.

. . . . .

Discussion: This amendment clarifies the rules to exclude the filing of motions for attorney's fees with the Board of Directors.

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§ 9.05 Informal Resolutions and Settlement Agreements.

. . . . .

(b) Formal Settlement Agreement. The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. *If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.*

(c) Requirements for a Formal Settlement Agreement. A formal settlement agreement requires the signature of all parties on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise [[required]] ***permitted*** *by law.*

(d) Violation of a Formal Settlement Agreement. If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be a part of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act: Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final and binding decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

Discussion: The Board disagrees with comments that assert the Office has no statutory authority to settle disputes regarding the alleged violation of settlement agreements. Under section 414 of the Act, the Executive Director is clearly given plenary authority to approve all settlement agreements under the Act entered into at any stage of the administrative or judicial process. No settlement agreement can ''become effective'' unless and until such approval has been given. The Office is concerned that many settlement agreements do not include provisions for disposition of controversies regarding alleged violations of the agreement. Rather than consider initiating a practice of withholding approval of settlement agreements which do not include provisions setting forth dispute resolution procedures, the Office is providing all parties, by notice and rule, the option to include their own dispute resolution provisions, or default to the dispute resolution procedure stipulated in this proposed Rule when they enter into a settlement agreement. The word ''permitted'' was inserted in place of ''required'' as a clarification, since in this context a rescission of an approved agreement would rarely, if ever, be required by operation of law.

[[§ 9.06 Destruction of Closed Files. Closed case files regarding counseling, mediation, hearing, and/or appeal ***to the Board of Directors*** *may be destroyed during the calendar year in which the fifth anniversary of the closure date occurs, or during the calendar year in which the fifth anniversary of the conclusion of all adversarial proceedings in relation thereto occurs, whichever period ends later.]]*

Discussion: The Executive Director and the Board of Directors have been made aware that the Office of Compliance appears to be an agency covered by the requirements of the Federal Records Act (found at Title 44 of the U.S. Code). The Records Act requires that an agency consult with the Archivist of the United States regarding any record destruction program. Therefore, the Executive Director and the Board are withdrawing this proposal at this time, and will issue a new Notice regarding this subject matter after the requirements of the Federal Records Act have been satisfied.

§ 9.0[7]6 *Payments [[of]]* ***required pursuant to*** *Decisions, Awards, or Settlements under section 415(a) of the Act. Whenever a decision or award pursuant to sections 405(g), 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.*

Discussion: This proposed rule reflects the existing procedure for processing payments under section 415(a) of the Act. Since section 415 does not authorize automatic stays of judgments or awards pending appeal, parties are advised to seek such a stay from the appropriate forum. Adding an automatic stay of payment until all appeals have been exhausted would require an amendment of the Act.

*§ 9.0[6]***7 Revocation, Amendment or Waiver of Rules.**

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6818. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aminoethoxyvenylglycine hydrochloride (aviglycine HCI); Pesticide Tolerance [OPP-2003-0389; FRL-7341-6] received February 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6819. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenazate; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0370; FRL-7335-6] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6820. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aldicarb, Atrazine, Cacodylic Acid, Carbofuran, et al.; Tolerance Actions [OPP-2003-0344; FRL-7338-3] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6821. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thifensulfuron mehtyl; Tolerances Actions [OPP-2003-0363; FRL-7338-6] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6822. A letter from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Bank Activities and Operations [Docket No. 04-03] (RIN: 1557-AC78) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6823. A letter from the Assistant Director, Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Bank Activities and Operations; Real Estate Lending and Appraisals [Docket No. 04-04] (RIN: 1557-AC73) received January 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6824. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Section 112(I) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of South Carolina [SC-112L-2004-1-FRL-7623-8] received February 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6825. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Thompson Falls PM Nonattainment Area Control Plan [SIP No. MT-001-0005, MT-001-0006; FRL-7609-1] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6826. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Update the 1-Hour Ozone Maintenance Plan for the Reading Area (Berks County) [PA 210-4302; FRL-7616-6] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6827. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; MOBILE6-Based Motor Vehicle Emission Budgets for Greenbrier County and the Charleston, Huntington, and Parkersburg 1-Hour Ozone Maintenance Areas [WV063-6032a; FRL-7612-9] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6828. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Tennessee: Knox County Maintenance Plan Update [TN-257-200402(a); FRL-7616-2] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6829. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Connecticut; Motor Vehicle Emissions Budgets for 2005 and 2007 using MOBILE6.2 for the Connecticut portion of the New York-Northern New Jersey-Long Island nonattainment area and for 2007 for the Greater Connecticut nonattainment area. [CT-057-7216g; A-1-FRL-7617-8] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6830. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Michigan [MI83-03; FRL-7617-7] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6831. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Redesignation and Approval of Ohio Implementation Plan [OH158-1a; FRL-76167-4] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6832. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; The 2005 ROP Plan for the Baltimore Sever 1-Hour Ozone Nonattainment Area; Revisions to the Plan's Emissions Inventories and Motor Vehicle Emissions Budgets to Reflect MOBILE6 [MD151-3107; FRL-7623-4] received February 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6833. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Florida: Southeast Florida Area Maintenance Plan Update [FL-91-200323(a); FRL-7622-1] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6834. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of Authority to the Washington State Department of Ecology, Benton Clean Air Authority, Northwest Air Pollution Authority, Olympic Regional Clean Air Agency, Puget Sound Clean Air Agency, Spokane County Air Pollution Control Authority, Southwest Clean Air Agency, and Yakima Regional Clean Air Authority for New Source Performance Standards. [FRL-7623-2] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6835. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of Authority to the Oregon Department of Environmental Quality for New Source Performance Standards [FRL-7622-6] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6836. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District [CA269-0438b; FRL-7621-2] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6837. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Primary and Secondary Drinking Water Regulations; Approval of Additional Method for the Detection of Coliforms and E.Coli in Drinking Water [FRL-7622-8] (RIN: 2040-AD90) received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6838. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Texas Underground Injection Control Program Approval Under Section 1422 of the Safe Drinking Water Act and Administered by the Railroad Commission of Texas [FRL-7622-9] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6839. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Texas Underground Injection Control Program Approved Under Section 1422 of the Safe Drinking Water Act and Administered by the Texas Commission on Environmental Quality [FRL-7623-1] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6840. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 295-0434a; FRL-7614-9] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6841. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Civil Monetary Penalty Inflation Adjustment Rule [FRL-7623-5] received February 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6842. A letter from the Chair, Office of Compliance, transmitting Second Notice of Proposed Procedural Rule Making under Section 303(b) of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C 1384(b); jointly to the Committees on House Administration and Education and the Workforce.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

S. 1233. Referral to the Committee on the Judiciary extended for a period ending not later than April 2, 2004.

H.R. 2120. Referral to the Committee on the Judiciary extended for a period ending not later than June 1, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CALVERT (for himself, Mr. LAMPSON, Mr. ISSA, and Mr. MCINTYRE):

H.R. 3845. A bill to amend the Act of August 13, 1946, to raise the maximum amount that may be allotted by the Secretary of the Army for the construction of small shore and beach restoration and protection projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POMBO (for himself, Mr. RENZI, Mr. BACA, Mr. PEARCE, Mr. UDALL of Colorado, Mr. NUNES, Mr. UDALL of New Mexico, and Mr. DOOLEY of California):

H.R. 3846. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. NADLER, Mr. SCOTT of Virginia, Mr. WATT, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. DELAHUNT, Ms. BALDWIN, Mr. WEINER, Ms. LINDA T. SANCHEZ of California, Mr. ABERCROMBIE, Mr. ACEVEDO-VILA, Mr. ANDREWS, Mr. BALLANCE, Mr. BELL, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mr. DEUTSCH, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. KILPATRICK, Mr. KLECZKA, Mr. KUCINICH, Mr. LAMPSON, Mr. LANTOS, Mr. LARSEN of Washington, Ms. LEE, Mr. LEWIS of Georgia, Ms. MAJETTE, Mrs. MALONEY, Mr. MATHESON, Mr. MATSUI, Ms. MCCARTHY of Missouri, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SANDERS, Ms. LORETTA SANCHEZ of California, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHAYS, Ms. SLAUGHTER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mrs. JONES of Ohio, Mr. WALSH, Ms. WATSON, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H.R. 3847. A bill to prohibit racial profiling; to the Committee on the Judiciary.

By Mr. HERGER:

H.R. 3848. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2004, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself, Mr. EVANS, and Mr. GUTIERREZ):

H.R. 3849. A bill to amend title 38, United States Code, to provide permanent authority for the Secretary of Veterans Affairs to continue to operate a program to provide counseling and treatment for veterans who while in military service experienced sexual trauma or sexual harassment; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska (for himself and Mr. OBERSTAR):

H.R. 3850. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself and Mr. CASE):

H.R. 3851. A bill to authorize an additional permanent judgeship for the district of Hawaii; to the Committee on the Judiciary.

By Mr. ACEVEDO-VILÁ (for himself and Mrs. CHRISTENSEN):

H.R. 3852. A bill to extend the benefits of the weatherization assistance program under part A of title IV of the Energy Conservation and Production Act to Puerto Rico and the United States Virgin Islands; to the Committee on Energy and Commerce.

By Mr. BARRETT of South Carolina (for himself and Mr. HENSARLING):

H.R. 3853. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2009, to extend paygo for direct spending, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. PENCE, Mr. SMITH of Michigan, Mr. KING of Iowa, Mr. AKIN, Mr. TANCREDO, Mr. NORWOOD, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mr. BRADY of Texas, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. BARRETT of South Carolina, Mr. DEMINT, Mr. GUTKNECHT, and Mr. FEENEY):

H.R. 3854. A bill to contain the costs of the Medicare prescription drug program under part D of title XVIII of the Social Security Act, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES (for himself, Mr. HULSHOF, Mr. BLUNT, Mr. AKIN, Mrs. EMERSON, Ms. MCCARTHY of Missouri, Mr. SKELTON, Mr. CLAY, and Mr. GEPHARDT):

H.R. 3855. A bill to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office''; to the Committee on Government Reform.

By Mr. GREEN of Texas (for himself, Mr. LAMPSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Mr. STENHOLM, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. ORTIZ, Mr. SANDLIN, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. TURNER of Texas, Mr. EDWARDS, Mr. BELL, Mr. DOGGETT, and Mr. HINOJOSA):

H.R. 3856. A bill to limit the congressional redistricting that States may do after an apportionment; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself, Mr. HERGER, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. BRADY of Texas, Mr. HAYWORTH, Mr. SANDLIN, Mr. BURGESS, Mrs. MYRICK, Mr. SMITH of Texas, Mr. PAUL, Mr. SESSIONS, Mr. CULBERSON, Mr. BONILLA, and Mr. HALL):

H.R. 3857. A bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance certain surface transportation facilities; to the Committee on Ways and Means.

By Mr. NETHERCUTT (for himself, Ms. DEGETTE, Mr. BASS, Mr. SCHIFF, Mr. FROST, Ms. BORDALLO, Mr. VAN HOLLEN, Mr. KLINE, Mr. GREEN of Texas, Mr. ANDREWS, Mr. WICKER, Mr. LANTOS, Mr. BECERRA, Mr. MOORE, Ms. DELAURO, Mr. MCHUGH, Mr. WELDON of Pennsylvania, and Mr. FOSSELLA):

H.R. 3858. A bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation; to the Committee on Energy and Commerce.

By Ms. PELOSI (for herself, Mr. GEPHARDT, Mr. LEACH, Ms. ROS-LEHTINEN, Mr. HOYER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Ms. BALDWIN, Ms. BERKLEY, Mr. BOEHLERT, Mr. BONNER, Mrs. BONO, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DELAURO, Mr. DEUTSCH, Mr. DOGGETT, Mr. EMANUEL, Mr. FERGUSON, Mr. FILNER, Mr. FOLEY, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GARRETT of New Jersey, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOUGHTON, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. KELLY, Mr. KIRK, Mr. KLECZKA, Mr. LANTOS, Mr. LARSEN of Washington, Ms. LEE, Ms. LOFGREN, Mr. LYNCH, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NETHERCUTT, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHIMKUS, Mr. SIMMONS, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. STARK, Mr. SWEENEY, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, and Mr. WEXLER):

H.R. 3859. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Energy and Commerce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. KIND, Mr. EHLERS, Mr. KILDEE, Mr. OBEY, Mr. HOUGHTON, Mr. ENGLISH, Mr. HEFLEY, Mr. LEVIN, Mr. REGULA, Ms. HART, Mr. KLECZKA, Mr. BEREUTER, Mr. UDALL of Colorado, Ms. BALDWIN, and Mr. GREEN of Wisconsin):

H.R. 3860. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Resources.

By Mr. RODRIGUEZ (for himself, Mr. SANDLIN, Mr. HINOJOSA, Mr. ORTIZ, Mr. FROST, Mr. TURNER of Texas, Mr. GREEN of Texas, Mr. BELL, Mr. DOGGETT, Mr. EDWARDS, Mr. REYES, Ms. JACKSON-LEE of Texas, and Mr. GONZALEZ):

H.R. 3861. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare comparative cost adjustment (CCA) program in Texas; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Ms. NORTON, Mr. BISHOP of Utah, Mr. KENNEDY of Rhode Island, Mr. CROWLEY, Mr. ACEVEDO-VILÁ, Mr. SCOTT of Georgia, Ms. DELAURO, Mr. RYAN of Ohio, Mr. TOWNS, Mr. JEFFERSON, Mr. STRICKLAND, Mrs. MALONEY, Mr. FROST, Mr. RANGEL, Mr. MCGOVERN, Mr. STARK, Mr. WALSH, and Ms. WOOLSEY):

H.R. 3862. A bill to provide an automatic pay increase to any member of the Armed Forces who is deployed away from the member's permanent station or, in the case of a member of a reserve component of the Armed Forces, the member's home of record, once the deployment period exceeds 180 days of continuous duty; to the Committee on Armed Services.

By Mr. SHADEGG:

H.R. 3863. A bill to improve the access of investors to regulatory records with respect to securities brokers, dealers, and investment advisers; to the Committee on Financial Services.

By Ms. SLAUGHTER (for herself, Mr. QUINN, Mr. STRICKLAND, and Mr. WHITFIELD):

H.R. 3864. A bill to provide coverage under the Energy Employees Occupational Illness Compensation Program for individuals employed at atomic weapons employer facilities during periods of residual contamination; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 3865. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain gifts and benefits provided to physicians by prescription drug manufacturers; to the Committee on Ways and Means.

By Mr. PENCE (for himself, Ms. BERKLEY, Mr. BLUNT, Mr. LANTOS, Mr. CANTOR, Mrs. JO ANN DAVIS of Virginia, Mr. SESSIONS, Mr. CRANE, Mr. CARDOZA, Mr. FEENEY, Mr. DAVIS of Alabama, Mr. SAXTON, Mr. TIAHRT, Mr. KING of Iowa, Mr. NORWOOD, Ms. HARRIS, Mrs. KELLY, Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. WELDON of Florida, Mr. SMITH of New Jersey, Mr. AKIN, Mrs. MUSGRAVE, Mr. FLAKE, Mr. BEAUPREZ, Mr. SHIMKUS, Mr. SANDLIN, Mr. FROST, Mr. REHBERG, Mr. BARRETT of South Carolina, Mr. SOUDER, Mrs. MYRICK, Mr. WELLER, Mr. EMANUEL, Mr. DOOLITTLE, Mr. DEMINT, Mr. HENSARLING, Mr. SMITH of Michigan, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. CHABOT, Mr. TANCREDO, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. RYUN of Kansas, Mr. MILLER of Florida, Mr. GOODE, Mr. KENNEDY of Minnesota, Mr. FRANKS of Arizona, Mr. CHANDLER, Mr. SHADEGG, Mr. HAYWORTH, Mr. CROWLEY, Mr. ISRAEL, Mr. SCHROCK, Mr. CRENSHAW, Mr. OTTER, Mrs. BLACKBURN, Mr. SENSENBRENNER, Mr. LINDER, Mr. STEARNS, Mr. MARIO DIAZ-BALART of Florida, Mr. SCHIFF, Mr. NADLER, Mr. FERGUSON, Mr. BROWN of South Carolina, Mr. MCNULTY, Mr. WYNN, Mr. NUNES, Mr. SHERMAN, and Mr. HASTINGS of Florida):

H. Con. Res. 371. Concurrent resolution supporting the construction by Israel of a security fence to prevent Palestinian terrorist attacks and condemning the decision by the United Nations General Assembly to request the International Court of Justice to render an opinion on the legality of the security fence; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Con. Res. 372. Concurrent resolution expressing the sense of Congress with respect

to the urgency of cessation of hostilities in the Republic of Haiti; to the Committee on International Relations.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, and Mr. MEEKS of New York):

H. Con. Res. 373. Concurrent resolution expressing the sense of Congress that Kids Love a Mystery is a program that promotes literacy and should be encouraged; to the Committee on Education and the Workforce.

By Mr. RYUN of Kansas (for himself, Mr. FROST, Ms. CARSON of Indiana, Mr. BAKER, Mr. TIAHRT, Mrs. WILSON of New Mexico, Mr. JONES of North Carolina, Mr. CALVERT, and Mr. SOUDER):

H. Con. Res. 374. Concurrent resolution expressing the sense of Congress that the Secretary of Defense, Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission should work to mitigate the financial hardships experienced by members of the reserve component as a result of being called to active duty; to the Committee on Financial Services, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. WILSON of South Carolina, Mr. SESSIONS, Mr. COOPER, Mr. GREEN of Texas, Mr. BILIRAKIS, Mr. PETRI, Mr. GILLMOR, Mr. FROST, Ms. BORDALLO, Mr. HALL, Mr. LANTOS, Mr. SCHIFF, Mr. BERMAN, Mr. MCNULTY, Mr. UPTON, Mr. SHAW, Mr. GRIJALVA, Mr. BALLENGER, Mr. KILDEE, Mr. HASTINGS of Florida, Ms. CARSON of Indiana, Mr. MCDERMOTT, Mr. CRANE, Mr. MICHAUD, Mr. MATHESON, Mr. NEY, Mr. LARSON of Connecticut, Mr. CASE, Mr. JOHNSON of Illinois, Mr. TURNER of Texas, and Mr. FRANK of Massachusetts):

H. Con. Res. 375. Concurrent resolution expressing the sense of the Congress that a commemorative stamp should be issued in honor of the centennial anniversary of Rotary International and its work to eradicate polio; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 538. A resolution honoring Dick Brown: New York's greatest ambassador to Washington; to the Committee on Government Reform.

By Mr. SOUDER (for himself and Mr. WOLF):

H. Res. 540. A resolution expressing the condolences and deepest sympathies of the House of Representatives for the untimely death of Macedonian President Boris Trajkovski; to the Committee on International Relations.

By Mr. ENGLISH (for himself, Mr. ENGEL, Mr. BURTON of Indiana, Mr. EMANUEL, and Mr. SMITH of New Jersey):

H. Res. 541. A resolution expressing the sense of the House of Representatives that the Senate should give its advice and consent to ratification of the United Nations Convention Against Transnational Organized Crime and certain Protocols thereto; to the Committee on International Relations.

By Mr. MEEK of Florida (for himself, Ms. JACKSON-LEE of Texas, Mr. BALLANCE, Mr. OWENS, Ms. CORRINE BROWN of Florida, Mr. WATT, Mr. PAYNE, Ms. KILPATRICK, Ms. LEE, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. RUSH, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. NORTON, Ms. MAJETTE, Mr. WYNN, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. FATTAH, Mr. CLYBURN, Mrs. JONES of Ohio, Mr. CLAY, Ms. CARSON of Indiana, Mr. JEFFERSON, Mr. SCOTT of Virginia, Ms. MILLENDER-MCDONALD, Mr. FORD, Mr. DAVIS of Alabama, Ms. WATERS, Mr. JACKSON of Illinois, Mr. DEUTSCH, Mr. LEWIS of Georgia, Ms. WATSON, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. BISHOP of Georgia, and Mr. SCOTT of Georgia):

H. Res. 542. A resolution expressing the sense of the House of Representatives that the Secretary of Homeland Security should designate Haiti under section 244 of the Immigration and Nationality Act in order to make nationals of Haiti eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. PRICE of North Carolina (for himself, Mr. BEREUTER, Mr. DREIER, and Mr. FROST):

H. Res. 543. A resolution providing for the establishment of a commission in the House of Representatives to assist parliaments in emerging democracies; to the Committee on International Relations.

By Mr. RODRIGUEZ (for himself, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. BACA, Mr. HINOJOSA, Mr. SERRANO, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. BECERRA, Mr. GONZALEZ, Mr. PASTOR, Ms. SOLIS, Mr. CARDOZA, Ms. VELÁZQUEZ, and Mr. MENENDEZ):

H. Res. 544. A resolution commemorating the 75th Anniversary of the Creation of the League of United Latin American Citizens; to the Committee on Government Reform.

By Mr. ROHRABACHER (for himself and Mrs. MALONEY):

H. Res. 545. A resolution expressing the sense of the House of Representatives that a specific statement should be included in the Iraqi Transitional Administrative Law guaranteeing the people of Iraq the right to freedom of thought, conscience, and religion, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolution as follows:

H.R. 119: Mr. BAIRD.
H.R. 176: Mr. BISHOP of Utah.
H.R. 339: Mr. COX.
H.R. 434: Mr. SULLIVAN and Mr. SAXTON.
H.R. 463: Mr. MILLER of Florida, Mr. FRANK of Massachusetts, Mr. MCGOVERN, and Mr. GREEN of Wisconsin.
H.R. 504: Ms. MCCOLLUM.
H.R. 742: Mr. WU.
H.R. 768: Mr. LINCOLN DIAZ-BALART of Florida and Mr. LANTOS.
H.R. 785: Mr. ISTOOK, Mr. BOSWELL, and Ms. SOLIS.
H.R. 792: Mr. SCHIFF.
H.R. 814: Mr. TIERNEY and Mr. WELLER.
H.R. 818: Ms. MCCOLLUM.
H.R. 854: Mr. SHIMKUS.
H.R. 857: Mr. HOSTETTLER and Mr. TIBERI.
H.R. 871: Mr. COLLINS, Mr. OTTER, and Mr. SIMPSON.
H.R. 936: Mr. LANTOS.
H.R. 956: Ms. WOOLSEY and Ms. CARSON of Indiana.
H.R. 973: Mr. HOUGHTON.
H.R. 976: Mr. RAHALL, Mr. PASTOR, and Mr. OWENS.
H.R. 1031: Mr. BELL.
H.R. 1057: Mr. DUNCAN.
H.R. 1084: Ms. HART.
H.R. 1127: Mr. LIPINSKI.
H.R. 1206: Mr. TERRY.
H.R. 1212: Ms. LEE.
H.R. 1345: Mr. CUMMINGS and Mr. HOEFFEL.
H.R. 1430: Ms. CARSON of Indiana, Mr. SANDERS, Ms. MAJETTE, Mr. PAYNE, Mr. PASCRELL, and Mrs. JONES of Ohio.
H.R. 1501: Mr. BERMAN and Mr. GEORGE MILLER of California.
H.R. 1532: Mr. PLATTS, Ms. LORETTA SANCHEZ of California, Mr. FRELINGHUYSEN, and Mr. LEVIN.
H.R. 1563: Mr. ENGLISH.
H.R. 1567: Mr. HERGER.
H.R. 1653: Mr. BROWN of Ohio.
H.R. 1684: Mr. MILLER of North Carolina and Mr. LARSEN of Washington.
H.R. 1767: Mr. PETERSON of Pennsylvania.
H.R. 1822: Mrs. BONO, Mr. COX, Mr. CUNNINGHAM, Mr. DREIER, Mr. HERGER, Mr. ISSA, Ms. PELOSI, Mr. THOMAS, and Mr. NUNES.
H.R. 1844: Ms. JACKSON-LEE of Texas.
H.R. 2071: Ms. MCCOLLUM, Ms. NORTON, and Mr. DAVIS of Illinois.
H.R. 2247: Mr. BERMAN and Mr. LANTOS.
H.R. 2265: Mrs. KELLY.
H.R. 2318: Mr. ORTIZ.
H.R. 2366: Mr. FROST, Mr. HINCHEY, Mr. PAYNE, Mr. SCHIFF, and Mr. DAVIS of Illinois.
H.R. 2372: Mr. MCDERMOTT.
H.R. 2435: Mr. FROST, Mr. HASTINGS of Florida, and Mr. OWENS.
H.R. 2509: Mrs. MUSGRAVE.
H.R. 2511: Mr. GORDON.
H.R. 2579: Mr. PENCE, Mr. NETHERCUTT, Mr. WALSH, and Mr. BERRY.
H.R. 2662: Mr. CANTOR.
H.R. 2699: Mrs. JONES of Ohio, Mr. SHIMKUS, Mr. DAVIS of Alabama, Mr. CUNNINGHAM, Mr. WALDEN of Oregon, and Mr. ADERHOLT.
H.R. 2735: Mr. JEFFERSON, Mr. FATTAH, Mrs. JONES of Ohio, and Mr. STARK.
H.R. 2802: Mr. BEREUTER.
H.R. 2824: Mr. LAHOOD.
H.R. 2837: Mr. BROWN of Ohio.
H.R. 3015: Mr. PICKERING and Mr. HALL.
H.R. 3066: Mr. TIBERI.
H.R. 3090: Mr. JEFFERSON.
H.R. 3113: Mr. AKIN, Mrs. MUSGRAVE, and Mr. JACKSON of Illinois.
H.R. 3142: Mr. ETHERIDGE and Mr. MCNULTY.
H.R. 3173: Ms. WOOLSEY.
H.R. 3178: Mr. FILNER, Mr. DEUTSCH, Mr. PALLONE, Mrs. TAUSCHER, Mr. EMANUEL, and Mr. PETERSON of Minnesota.
H.R. 3180: Ms. LEE.
H.R. 3193: Mr. SMITH of Michigan, Mr. COOPER, and Mr. LUCAS of Oklahoma.
H.R. 3194: Mr. NETHERCUTT.
H.R. 3204: Mr. WELLER.
H.R. 3215: Ms. HARRIS, Mr. MURPHY, Mr. GOODLATTE, Mr. BILIRAKIS, and Mr. TERRY.
H.R. 3299: Mr. LARSEN of Washington.
H.R. 3313: Mr. BISHOP of Utah.
H.R. 3344: Mr. LIPINSKI and Mr. KILDEE.
H.R. 3382: Mr. WEXLER.
H.R. 3403: Mr. BURNS and Mr. ROSS.
H.R. 3412: Mr. JONES of North Carolina, Mr. ANDREWS, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. LATOURETTE, Mr. PAYNE, Mr. AKIN, and Mr. BURTON of Indiana.
H.R. 3424: Ms. MCCARTHY of Missouri and Mr. MOORE.
H.R. 3425: Mr. MOORE.
H.R. 3446: Mr. MENENDEZ, Mrs. MALONEY, Ms. ESHOO, Mr. LANGEVIN, Ms. LEE, Mr. ENGEL, Mr. CLAY, and Mr. OLVER.
H.R. 3460: Mr. CRANE, Mr. OTTER, and Mr. SESSIONS.
H.R. 3473: Mr. RUPPERSBERGER, Mr. HEFLEY, Mr. BURTON of Indiana, and Mr. LIPINSKI.
H.R. 3474: Mr. ORTIZ, Mr. COSTELLO, and Mr. WAXMAN.
H.R. 3482: Mr. NEY and Mr. ENGLISH.
H.R. 3528: Mr. MICHAUD and Mr. THOMPSON of Mississippi.

H.R. 3579: Mr. SCHIFF, Mr. HOLDEN, Mr. BRADY of Texas, Mr. MCHUGH, Mr. MATSUI, Mr. LUCAS of Kentucky, Mr. NEAL of Massachusetts, and Ms. MILLENDER-MCDONALD.

H.R. 3598: Mr. UPTON, Ms. HART, Mr. VAN HOLLEN, and Mr. SOUDER.

H.R. 3599: Mr. DAVIS of Illinois.

H.R. 3656: Mr. FROST, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, Mr. HOEFFEL, Mrs. MCCARTHY of New York, and Mr. TOWNS.

H.R. 3658: Mr. SANDERS, Mr. PUTNAM, Mr. INSLEE, Mr. OWENS, Mr. JENKINS, Mr. ROSS, Mr. NADLER, Mr. DOGGETT, Mr. CLAY, Mr. ROGERS of Michigan, Mr. LOBIONDO, Ms. DELAURO, Mr. LEVIN, Ms. MCCARTHY of Missouri, Mr. GONZALEZ, Mr. LARSON of Connecticut, Mr. FOLEY, Mr. PAYNE, Mr. HINOJOSA, Mr. HONDA, Mrs. TAUSCHER, Mr. FILNER, Mr. SKELTON, Mr. CRAMER, Mr. VISCLOSKY, Ms. BERKLEY, Mr. RODRIGUEZ, Mr. SESSIONS, and Mr. PETERSON of Minnesota.

H.R. 3673: Mrs. CAPPS.

H.R. 3674: Mr. KING of Iowa.

H.R. 3696: Mr. SCHIFF.

H.R. 3699: Ms. KAPTUR, Mr. FROST, Mr. CUMMINGS, and Mr. LEWIS of Georgia.

H.R. 3715: Ms. SLAUGHTER and Mr. GRIJALVA.

H.R. 3716: Mr. FROST and Mr. SOUDER.

H.R. 3717: Ms. GRANGER.

H.R. 3719: Mr. FROST, Mr. MCGOVERN, Mr. BISHOP of New York, Mr. SERRANO, Ms. BERKLEY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3731: Mr. UDALL of Colorado.

H.R. 3736: Mr. BURNS, Mr. COLLINS, Mr. VITTER, Mr. FLAKE, and Mr. WILSON of South Carolina.

H.R. 3743: Mr. PETERSON of Pennsylvania.

H.R. 3757: Mr. FLAKE.

H.R. 3771: Mr. SERRANO, Mr. BISHOP of New York, Mrs. TAUSCHER, and Mr. CROWLEY.

H.R. 3778: Ms. HART.

H.R. 3784: Mr. DUNCAN and Mr. MILLER of Florida.

H.R. 3793: Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. MCNULTY, Mr. GARRETT of New Jersey, Mr. ANDREWS, Mr. ACKERMAN, and Mr. SESSIONS.

H.R. 3798: Mr. CASE, Mr. DICKS, Mr. CONYERS, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Mr. OWENS, and Mr. NADLER.

H.R. 3800: Mr. SENSENBRENNER.

H.R. 3801: Mr. NORWOOD and Mr. SENSENBRENNER.

H.R. 3802: Mr. RAMSTAD, Mr. MICHAUD, Mr. PAYNE, Mr. FILNER, Mr. MCINTYRE, Mrs. CAPITO, Mr. FRANK of Massachusetts, and Mr. VAN HOLLEN.

H.R. 3809: Mr. MCDERMOTT, Mr. MENENDEZ, Mr. CROWLEY, Mr. BELL, Mr. WAXMAN, and Mr. KENNEDY of Rhode Island.

H.R. 3815: Mr. MCNULTY and Mr. MCDERMOTT.

H.R. 3818: Mr. WAXMAN.

H.J. Res. 60: Mr. ENGLISH, Mr. GREEN of Wisconsin, and Mr. CALVERT.

H.J. Res. 72: Ms. WATSON, Mr. SERRANO, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. ABERCOMBIE, Mr. DICKS, Mr. WAXMAN, Mr. CASE, Mr. BLUMENAUER, Mr. CONYERS, Mr. INSLEE, Mr. GEORGE MILLER of California, Ms. LEE, Mr. CLAY, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. BEREUTER, Mr. MICHAUD, Mr. SMITH of Washington, Mr. FILNER, Mr. LANTOS, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, Mr. BRADY of Pennsylvania, Ms. SLAUGHTER, Mr. BALLANCE, Mr. HILL, Mr. NADLER, Ms. MCCOLLUM, Mrs. JOHNSON of Connecticut, and Mr. OSBORNE.

H.J. Res. 88: Mr. DAVIS of Illinois.

H. Con. Res. 3: Ms. WATERS.

H. Con. Res. 196: Ms. BERKLEY, Mrs. CHRISTENSEN, Mr. HONDA, Mr. LANTOS, and Mr. HASTINGS of Florida.

H. Con. Res. 218: Mr. GRIJALVA.

H. Con. Res. 285: Mr. SENSENBRENNER.

H. Con. Res. 311: Mr. SMITH of New Jersey.

H. Con. Res. 332: Mr. PUTNAM, MRS. NORTHUP, Mr. WU, Mrs. JO ANN DAVIS of Virginia, Mr. PAYNE, and Mr. COSTELLO.

H. Con. Res. 363: Mr. KING of New York and Mr. BALLENGER.

H. Con. Res. 366: Mr. CARDIN.

H. Con. Res. 367: Mr. WOLF.

H. Res. 101: Mr. COX and Mr. ROTHMAN.

H. Res. 103: Mr. TANCREDO.

H. Res. 381: Mr. GORDON, Ms. CARSON of Indiana, Mr. CONYERS, Mr. TOWNS, Ms. LEE, and Mr. CROWLEY.

H. Res. 402: Mr. PUTNAM, Mr. SMITH of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. TANCREDO.

H. Res. 466: Mr. MORAN of Virginia and Mr. DAVIS of Illinois.

H. Res. 506: Mr. UPTON, Mr. HOEFFEL, and Mr. WAXMAN.

H. Res. 516: Mr. SHIMKUS, Mr. STENHOLM, Mr. CRAMER, Mr. SMITH of Washington, Mr. ENGLISH, Mr. PETERSON of Pennsylvania, Mr. AKIN, Mr. RYAN of Ohio, Mr. COOPER, Mrs. JOHNSON of Connecticut, Mr. WALSH, Mr. LATOURETTE, Mr. MCNULTY, Mrs. MYRICK, Mr. UDALL of Colorado, Mr. KINGSTON, Mr. SENSENBRENNER, Mr. SOUDER, Mr. BOEHNER, Mr. PENCE, Mr. BONNER, Mr. SIMPSON, Mr. BAKER, Mr. WATT, Mr. SIMMONS, Mr. CHABOT, Mr. TURNER of Ohio, Mr. BISHOP of Georgia, Mr. SWEENEY, Ms. CARSON of Indiana, Mr. OXLEY, and Mr. WELLER.

H. Res. 522: Mrs. LOWEY.

H. Res. 524: Mr. MCDERMOTT and Mr. TIBERI.

H. Res. 526: Mr. TIBERI and Mr. WAXMAN.

H. Res. 530: Mr. LINCOLN DIAZ-BALART of Florida and Mrs. LOWEY.

H. Res. 531: Mr. PLATTS, Ms. SLAUGHTER, Mr. BEREUTER, and Mr. GREEN of Wisconsin.