

signed the much anticipated peace agreement which ended the cruel war that lasted over 20 years and claimed the lives of over two million people.

We commend you for your efforts in support of this peace agreement. However, it is vital that as the world looks toward the future of Sudan, it does not forget the tragedy which is unfolding in Darfur. Villages are still systematically burned, women continue to be raped, men are still being murdered and children continue to die from hunger and disease.

The situation in Darfur continues to deteriorate with recent attacks. We are very much concerned that if the security situation does not improve, the remaining NGOs will be forced to scale down or pull out, leaving the people of Darfur helpless.

The recently released Commission on Inquiry serves as a necessary tool in holding accountable those who have committed horrible atrocities in Darfur. But it is also essential that firm action immediately be undertaken by the United Nations to improve the situation on the ground and save lives. We urge you to return to Darfur to confirm with your own eyes that the situation has not improved. We cannot continue to status quo. A strong, meaningful resolution should be put forward and the Security Council should act immediately. Only in this manner the situation in Darfur can be changed.

We are certain that this will have an immediate impact on Darfur. We ask that you use your power and prestige to make a passionate plea to the Security Council to deal effectively on Darfur. If the Security Council fails to take meaningful action, we ask you to resign in protest. Your resignation would be an act of moral leadership which the world would greatly admire.

Great men in history have given up their posts to force change. William Wilberforce's commitment to justice and the abolition of slavery in Great Britain superseded his pursuit of political advancement and many believe his outspoken fight against slavery cost him the opportunity to be Prime Minister of England.

We can and will not allow the world to remain a bystander while this horrific tragedy unfolds. The situation in Darfur is being described as the worst humanitarian crisis in the world today. Immediate action has to be taken. We are confident that anything that you can do to put an end to this situation will be admired greatly.

The powerful movie *Hotel Rwanda* was recently released. It highlights how the world failed the people of Rwanda. The lead actor, Don Cheadle, is nominated for an Oscar and the movie is nominated as best original screen play. People will be moved by this movie and people will remember our pledge of "never again."

Sincerely,

Frank R. Wolf, Roscoe Bartlett, Dan Burton, Wm. Lacy Clay, Elijah E. Cummings, Robert Aderholt, Mary Bono, Lois Capps, Tom Davis, Trent Franks, Michael M. Honda, Peter T. King, Michael R. McNulty, James P. Moran, Joseph R. Pitts, J. Randy Forbes, Mark R. Kennedy, James McGovern, Michael H. Michaud, John W. Olver, Rick Renzi, Lucille Roybal-Allard, John J.H. Schwarz, Christopher Shays, Rob Simmons, Mark E. Souder, James T. Walsh, Tom Osborne, James F. Sensenbrenner, Jr., John Shimkus, Christopher H. Smith, Edolphus Towns and Zach Wamp, Members of Congress.

INTRODUCTION OF BILL TO PROTECT VICTIMS OF SEXUAL ASSAULT IN THE WORKPLACE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mrs. MALONEY. Mr. Speaker, today I introduce a bill of great public importance to women in the workforce across the United States. The U.S. Justice Department estimated that from 2000 to 2002, the percentage of rapes and sexual assaults occurring at the workplace jumped from 2 percent to 10 percent of the total number of rapes and sexual assaults occurring in the United States yearly. Yet, many of these victims are told their only remedy is workers' compensation. When rape occurs on the job, employers should not be able to hide behind a system designed to compensate for job-related accidents. My bill sends a clear message: Rape is not all in a day's work.

This bill gives victims of workplace violence across the Nation a remedy outside the workers' compensation system. It does this by creating a Federal civil rights cause of action, under certain conditions, for employees who have been the victims of gender-motivated violence at work. This bill will not result in numerous and unwarranted lawsuits against small businesses. In fact, the legislation outlines very strict requirements regarding whether a case would fall under the purview of this bill. Workers' compensation is a great system—it has created an American workplace safe from industrial accidents. But the job isn't done. This bill will encourage employers to create a job environment free of violent sexual assault and rape, because it is a terribly sad day in America when rape is considered all in a day's work.

INTRODUCTION OF BILL TO REAFFIRM STATE AUTHORITY TO REGULATE RESIDENT AND NON-RESIDENT HUNTING AND FISHING

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 9, 2005

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing a bill to reaffirm the authority of each state to regulate hunting and fishing within its boundaries, and especially a state's authority to enforce laws or regulations that differ in the way they treat that state's residents and people residing elsewhere.

A similar Senate bill has been introduced by Senator REID of Nevada, who introduced a related measure in the 108th Congress. He has been the leader on this matter, and I am proud to join in the effort.

There is nothing new about a state's having different rules for resident and nonresident hunters or anglers. Colorado draws that distinction in several ways, and many other states do so as well.

And while there have been challenges to the validity of such rules, until recently the federal courts have upheld the right of the states to make such distinctions. For example, in

1987 the federal district court for Colorado, in the case of *Terk v. Ruch* (reported at 655 F. Supp. 205), rejected a challenge to Colorado's regulations that allocated to Coloradans 90% of the available permits for hunting bighorn sheep and mountain goats.

But a recent Court of Appeals decision marked a change—something that definitely is new.

In that case (*Conservation Force v. Manning*, 301 F.3d 985; 9th Cir. 2002), the federal appeals court for the 9th Circuit held that Arizona's 10 percent cap on nonresident hunting of bull elk throughout the state and of antlered deer north of the Colorado River had enough of an effect on interstate commerce that it could run afoul of what lawyers and judges call the "dormant commerce clause" of the Constitution.

Having reached that conclusion, the appeals court determined that the Arizona regulation discriminated against interstate commerce—meaning the "dormant commerce clause" did apply and that the regulation was subject to strict scrutiny, and could be upheld only if it served legitimate state purposes and the state could show that those interests could not be adequately served by reasonable non-discriminatory alternatives.

The appeals court went on to find that the regulations did further Arizona's legitimate interests in conserving its population of game and maintaining recreational opportunities for its citizens, but it remanded the case so a lower court could determine whether the state could meet the burden of showing that reasonable non-discriminatory alternatives would not be adequate.

Because of the decision's potential implications for their own laws and regulations, it was a source of concern to many states in addition to Arizona. In fact, 22 other States joined in supporting Arizona's request for the decision to be reviewed by the U.S. Supreme Court.

Colorado was one of those States, and our then-Attorney General, Ken Salazar, joined in signing a brief in support of Arizona's petition for Supreme Court review.

Regrettably, the Supreme Court denied that petition. So, for now, the 9th Circuit's decision stands. Its immediate effect is on states whose federal courts are within that circuit—namely those in Alaska, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington as well those of Guam and the Commonwealth of the Northern Marianas. But it could have an effect on the thinking of federal courts across the country.

The bill's purpose is to forestall that outcome, and so far as possible to return to the state of affairs prevailing before the 9th circuit's decision.

The bill would do two things:

First, in Section 2(a), it would declare that the policy of Congress is that it is in the public interest for each state to continue to regulate the taking of fish and wildlife within its boundaries, including by means of laws or regulations that differentiate between residents and non-residents.

And, in Section 2(b), it would provide that silence on the part of Congress is not to be construed by the courts as imposing any barrier under the commerce clause of the constitution to a state's regulation of hunting, fishing, or trapping.

These provisions are intended to speak directly to the "dormant commerce clause"